

ARGUMENTATION AND DEBATING

BY

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To
WILLIAM DEWITT HYDE



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PREFACE

THE aim of this book is to present the essentials of Argumentation and Debating as simply as possible, following the order in which the difficulties arise in actual practice. The point of view is that of the student rather than that of the instructor. The amount of practical material, therefore, in proportion to the amount of theoretical material, is larger than is usual in manuals on this subject. The chapter on brief-drawing, for example, starts with a familiar proposition and takes the student step by step through the development of a complete working brief. The chapter on fallacies deals not only with the common sources of fallacies, but as well with the most effective methods of exposing fallacies; the chapter on evidence deals not only with the tests of evidence, but as well with the sources and the methods of using evidence. In short, the book aims throughout to show the student how to go to work. It deals with no imaginary difficulties; the necessity for every topic has been proved in many class-rooms for many years.

Special care has been taken to present an abundance of striking illustrations, free from extraneous and exceptional elements, and always within the range of the student's information and experience, in order that he may direct his attention to the principles involved. In order that the first specimens of argument may not be discouragingly far above the beginner's possibilities, examples are presented from the recent work of students

at Harvard College, Bowdoin College, and other institutions.

Some instructors prefer to take up the subject of brief-drawing directly after the subject of analysis, in order that the students may be developing briefs while they are studying evidence. The plan is a good one. The reason for the order in this book is that a knowledge of the principles of structure is of no practical value without a knowledge of the material out of which the structure must be built. But in the class-room the studies of substance and of form may proceed together.

There seem to be abundant reasons why the old style "elocution" has been largely superseded in American schools and colleges by courses in argumentative writing and speaking. There is little place for special teachers of elocution. To maintain such teachers is to place the emphasis precisely where it does not belong. All training in spoken discourse — however its name may shift with the winds and tides of popular disapproval — should be subordinate to training in thinking. It should be a means to the end of clear and direct expression of the pupil's own thoughts. Training in public speaking should be conducted by teachers who aim *first*, to produce sound thinkers, *second*, to train these thinkers in the clear, correct, straightforward, and effective oral expression of their own thoughts. And these aims may be best achieved by the study of Argumentation and Debate.

Those who believe that argumentation deserves a high place among school studies "hold very strongly" with Cardinal Newman, "that the first step in intellectual training is to impress upon a boy's mind the idea of

science, method, order, principle, and system; of rule and exception. . . . Let him once gain this habit of method, of starting from fixed points, of making his ground good as he goes, of distinguishing what he knows from what he does not know, and I conceive he will be gradually initiated into the largest and truest philosophical views, and will feel nothing but impatience and disgust at the random theories and imposing sophistries and dashing paradoxes, which carry away half formed and superficial intellects."

Science and principle, — in argumentation the student meets principles based upon the science of logic from which, as he soon discovers, the rational mind cannot escape. *Method, order, system*, — this is the very backbone of argument. Without methodical procedure from definitions to historical facts, to admitted matters, through conflicting contentions to the main issues and thence to the argument, by order of proposition and proof, the known to the unknown, all according to a systematic brief, — without all this there is chaos, not argument. No other form of discourse so readily conveys to young minds the most important ideas of rhetorical structure.

Again, *let the boy start from fixed points and make his ground good as he goes*, — this is the process of the exact sciences; but argumentation applies this process to all practical questions, especially to the innumerable public problems to the solution of which the boy should some day, as an educated citizen, bring a well-trained mind. *Let him distinguish what he knows from what he does not know*, — this is the initial business of argumentation, through which many a boy gets his first contempt for snap judgments and his first notion of testing the supposed knowledge and *random theories* by which he has

been accustomed to guide his conduct in every-day affairs. Graduates of secondary schools now go forth to college with cultivated memories, heads packed with ideas soon to be forgotten, often with keen desire for information. But rare are those who have learned to think! Argumentation, as it should be taught, cultivates that power, — so much demanded and so little found both in school and in the life beyond Commencement, — the power of independent thinking.

Let us not be surprised, however, if the study of the principles of argumentation — or even Burke's much mis-taught Speech — seems dry without the prospect of actual debate. We should hardly expect a half-back to feel much enthusiasm over reading the rules of the game and tackling a dummy if he could not look forward to tackling a man. When elocution and argumentative writing have failed to stimulate interest, formal debate may succeed, for it is a kind of game. In the time limit, the order of speakers, the alternation of sides, the actual struggle of opposing forces, the give and take of rebuttal, the fixed rules and the ethics of conduct, the qualifications for success, and the final awarding of victory, debate has much in common with tennis and football. The great superiority of debating, as the schools should look upon it, lies in the fact that it adds to many of the elements of the present absorbing interest in athletics those educational values which contribute directly to the highest type of citizenship.

From work in debating, guided by efficient instruction and right ideals, students discover that debatable questions are far from simple; and they learn to refrain from making judgments based on ignorance. The necessity for thorough preparation is forced upon them

by the conditions of the contest. Often the hard work for a given debate provides their first standard for sounding the shallowness of their knowledge on other subjects. They learn to examine a question critically to find out what it actually involves, to define terms with precision, to distinguish the relevant matters from the irrelevant matters which confuse the ordinary discussion of the subject, to separate what may be admitted or granted from what is held by *both* sides, and thus, through this conflict of contentions, to reach the main issues. In the attempt to group their evidence in relation to these issues, they learn something of structure, coherence, unity, proportion. Best of all, they come to respect the opinions of those who differ from them, but to accept nothing and to offer nothing unless the reasoning is sound and the evidence sufficient. There could be no better training for citizenship.

The first man to develop systematic courses of instruction in argumentation and debating was Professor George P. Baker of Harvard University. To his pioneer work all later books on these subjects seem much indebted. I wish here gratefully to acknowledge my own indebtedness to Professor Baker, who was for several years my inspiring teacher. Although I am aware that I owe much to him, — as the chapter on analysis bears witness, — yet my debt is probably even greater than I realize. My thanks are due also to several members of the Bowdoin College faculty, especially to Professor W. B. Mitchell, for many suggestions, as well as to Mr. H. P. Chandler of the University of Chicago, Mr. C. R. Nutter of Harvard University, Mr. A. K. Spofford of Bates College, Professor Frank Chase and Mr. P. B.

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WILLIAM T. FOSTER.

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ARGUMENTATION AND DEBATING

ARGUMENTATION AND DEBATING

FIRST CHAPTER

PHRASING THE PROPOSITION

"These, then, are the problems we have to consider: the use of the universal laws of reasoning, the development of the habit of analysis and of unprejudiced methods of investigation, the secret of clear and rapid expression of intellectual processes, and the art of adapting one's material to his hearers so as to win their favor and affect their conduct." — R. M. ALDEN.

THE method of argumentation is like the method of the law court, in that the object is to arrive at definite conclusions regarding definite issues. To attain this object the law court demands that whoever appeals to it shall present a clear case, and "shall set forth with certainty and with truth the matters of fact or of law, the truth or falsity of which must be decided to decide the case." In other words, conditions inherent in the very nature of argumentation demand, at the outset, that the proposition and the issues it involves shall be made absolutely clear. The first consideration, therefore, is the selection of a proposition.

Argumentation requires a complete proposition. A term, a mere name, will not suffice. One may write an essay on "The Dramatization of Novels"; but for an argument one needs a proposition, such as, "The dramatization of novels is detrimental to the dramatic

art." One may describe "A Party of Arctic Explorers," or tell the story of "A Dash for the Pole," or explain the construction of "Commander Peary's Ship"; or one may argue on either side of the proposition, "The United States government should appropriate money for Arctic explorations."

The proposition in formal debate corresponds to the motion, resolution, or bill presented in deliberative bodies, such as the branches of Congress. For purposes of debate, the proposition should be phrased in the form of a resolution, such as, "Resolved, that the Democratic Party should nominate Mr. — for President." For the investigator, such as the writer of a magazine article, who does not have one side thrust upon him as in formal debate, and who is under no necessity of announcing his position at the outset, the subject should take the form of a question: "Should the Democratic Party nominate Mr. — for President?" For our present purposes, however, the terms *question* and *proposition* may be used as synonymous.

It is not easy to phrase the proposition so that it shall mean precisely what we wish to argue; so that it shall include the whole matter at issue, nothing more and nothing less; so that there shall be no possible ambiguity. Yet, unless the proposition is so phrased, a debate may degenerate into a lifeless quibble concerning the meaning of the terms, under which the living heart of the question is buried. To phrase a proposition properly may require considerable care. Not long ago, several members of the Harvard Law School Faculty, in consultation with students, endeavored for the greater part of one night to arrive at a satisfactory wording for a debate concerning the policy of the United States toward the Philippines. The result of this long con-

ference was the simple proposition, "The United States should retain the Philippines."

Every political campaign shows the need of definite propositions for debate. In Maine, in the fall of 1906, some of the speakers had no definite proposition, but launched with vehemence upon the topic of the Prohibitory Law. Stripped of all the confusing verbiage, invective and humor, some of the speeches of the Democrats could be reduced to the contention, "Prohibition does not prohibit"; and some of the speeches of the Republicans could be reduced to the contention, "Temperance is a great virtue." As these speeches were not concerned with debatable issues, there was no debate. Argumentation demands a complete proposition.

I. THE PROPOSITION SHOULD BE DEBATABLE

The first requirement of the proposition is that it shall be debatable. It is not debatable, (a) if it is obviously true or obviously false; (b) if it cannot be proved at least approximately true or false.

(a) Propositions like those in Geometry, which are obviously true or obviously false, cannot be disputed. Such is the following, recommended in a recent book on debate: "Resolved, that the only way to benefit the laboring classes or secure any kind of political reform is by the destruction of the liquor traffic." To prove this proposition, one must hold that sanitary conditions, shorter hours, vacations, nourishing lunches, and the prevention of child-labor under inhumane conditions do not benefit laborers. This is an untenable position. The question might be made debatable by changing "the only way" to "the most effective way." Even then the double-headed nature of the proposition would make it unsatisfactory. Attempts to hold debates

on such a proposition as this: "Resolved, that breach of trust in high office is reprehensible," have always resulted in failure. Such a proposition is undebatable because obviously true.

The same objection holds against propositions that "beg the question": that is, assume to be true or false the very point at issue. The word *brutal* in "The brutal game of football should be abolished," assumes to be true one of the points in dispute. It begs the question. The school which attempted to decide in debate whether "military drill should be replaced by something more beneficial," found the same difficulty. No debate was possible. The proposition begs the question which was probably intended for debate, namely, whether military drill *can* be replaced by anything more beneficial.

(b) Propositions that cannot be proved at least approximately true or false are not debatable. Such is the proposition, "The achievement of the American people in gaining independence was greater than in suppressing the Rebellion." The want of common ground prevents satisfactory argument. This is equally true of the proposition, "Man has done more than woman to advance civilization." One might just as sensibly contend that sodium contributes more than chlorine to the value of salt. One of the early presidents of Harvard College wrote a dissertation on the question, "Whether angels speak any language; if so, whether it is Hebrew." Much futile discussion on such questions has at various times brought debating into ill repute. A question should offer something more than an ingenious exercise; it should offer the chance of arriving at some conclusion regarded by the particular audience or disputants as of some practical importance. It should be discarded if, like the proposition, "The

pen is mightier than the sword," it offers no possibility of arriving at reasonably sound conclusions through the process of argument.

This matter of selecting the proposition is here treated at length because time is wasted in clubs and institutions everywhere in the futile discussion of undebatable questions. Some students in a New England college attempted to debate the question, "Is iron of more use to mankind than coal?" The talk, which on one side was an enumeration of the uses of coal, and on the other side an equally long list of the uses of iron, showed in the end only that the subject was not debatable. A proposition must offer something more than chances of comparison; it must offer common standards of comparison, as, for example: "The Panama Route for an isthmian canal is preferable to the Nicaraguan Route."

II. THE PROPOSITION SHOULD NOT EMPLOY AMBIGUOUS WORDS

The proposition should not hinge on the interpretation of ambiguous words. Great care must be taken to insure a debate on the proposition itself, by avoiding the necessity of any debate as to the meaning of the proposition. Debates which purport to be on vital matters and degenerate into disputes over the meanings of terms are trying to the audience, and not nearly so profitable to the disputants as debates which move directly to fundamental issues. The meaning of the question should be clear, — absolutely so.

The difficulty of securing a proposition with one clear meaning and only one, experience will surely show. And this experience itself is a rhetorical exercise of great value. Even books on debate commend ambiguous propositions. One of these books characterizes as a

“standard question for young debaters” the following: “Are the works of nature more beautiful than those of art?” There is nothing in this but the question of the meaning of beauty; and since artists and philosophers have failed to reach a satisfactory definition of beauty, the discussion of the question by “young debaters” would be futile. Another proposition in which the whole clash of opinion comes on the meaning of one word is this, “Greek and Latin should be considered as an essential part of a good education.” A debate on this subject might be won without further discussion by the side that succeeded in getting the judges to accept its definition of the word “good” as applied to education. Likewise the question, “Is law a better profession than medicine?” suggests nothing but a controversy over the meaning of the word “better.” The terms of the proposition should be so free from ambiguity that when one side has offered a reasonable interpretation, the opposing side cannot find another interpretation, without obviously seeking to evade the intended question.

In order to avoid ambiguous questions and the consequent opportunities for quibbling, it is well to avoid general terms, unless they surely have but one meaning for all the people concerned in the argument. Among the general terms which frequently give trouble because they have no commonly accepted meaning are “Policy,” “Imperialism,” “Church,” “Civilization,” “Monroe Doctrine,” and “Anarchism.” If it seems desirable to use such terms for debate, they should be accompanied by explanatory clauses. Or, if a proposition is found to be ambiguous after it has been selected, the two sides should agree as soon as possible on the meaning of the ambiguous terms for the particular debate. Thus

a superficial and inconsequential discussion may be avoided. General terms, unless thus carefully defined, offer abundant chance for diversion from the main issues. In a recent high school "debate" on the question, "Anarchists should be suppressed by Federal law," the affirmative dealt wholly with one class of anarchists, — a bloodthirsty mob, aiming at the forcible overthrow of all government. The negative confined their argument to the peaceable, law-abiding citizens, who spread their doctrines in accord with the constitutional liberties of free thought and speech. There was no debate. Suppose the proposition had been phrased, "All persons advocating the overthrow of government by forcible means should be punished by Federal law." Such phrasing, free from the ambiguity of the general term "anarchist," would have given the proposition one meaning for both sides.

III. THE PROPOSITION SHOULD NOT BE TOO BROAD

The proposition should be sufficiently limited in scope to admit satisfactory treatment in the time or space available. Even if there are no general terms, a debate for which the time is brief, or a magazine article for which the space is limited, will not be satisfactory if the question is too broad. "Are the Southern States justifiable in their attitude toward the negro?" covers too much ground. A better question is, "Are the clauses in the Alabama Constitution of 1901 looking to a restriction of the franchise justifiable?" Many of the propositions suggested in the Appendix of this book can be limited by application to local conditions. A debate at R—— College on the general proposition, "The Elective System of studies is preferable to any other system," is not likely to be so interesting or so profitable as a

debate on the question, "The complete Elective System at R—— College is preferable to the present Group System."

The phrasing should be so definite as to guard against the possibility of digression from what are intended to be the real issues, so far as phrasing can accomplish that purpose. A recent intercollegiate debate on the proposition, "The United States should use every means to maintain the integrity of China," proved unsatisfactory because of the opportunities for digression offered by the indefinite term, "every means." The question, "Should there be commercial reciprocity with Canada?" might lead to discussions of whether the approval of Canada could be secured, whether reciprocity would benefit Canada, and whether it would impair social relations with England. If these questions are not intended, the phrasing should exclude them. A more exact phrasing is, "Would commercial reciprocity between the United States and Canada benefit the United States economically?"

IV. THE PROPOSITION SHOULD EMBODY ONE CENTRAL IDEA

The proposition should embody one central idea. It should not confuse two propositions; for unless all the parts of a subject for debate can obviously be grouped under one principle, one part may be decided in the affirmative and another part in the negative. Parliamentary law recognizes this difficulty through providing the "motion for the division of the question." This calls for a separate vote on each part whenever members find it difficult to vote because there are two principles involved in a proposition. "Resolved, that the tariff policy of the present administration promotes the

commercial interests of New England," is suitable for debate, even though it involves many parts. For if the main issues underlying each part are the same, no confusion need result from the number of parts. Such is not the case with the following double-headed proposition recommended in a recent book for debaters: "Military drill should be taught in the common schools of America, and all able-bodied citizens should be required to serve a term in the army." Here are different underlying principles, and consequently different sets of main issues. An attempt to discuss them all at once might result only in confusion.

V. THE PROPOSITION SHOULD GIVE TO THE AFFIRMATIVE THE BURDEN OF PROOF

For any argument, the subject should be so phrased that the affirmative makes the attack, advocates something new, or attempts to overthrow something which is established; in other words, so that the affirmative has the burden of proof. The law lays down the rule, "He who affirms must prove." The one who makes the charge is said to have the burden of proof; the defendant is said to have the presumption in his favor. A man is presumed to be innocent until he is proved guilty. If the affirmative side proves nothing, the decision goes to the negative. The presumption holds good until overthrown by proof or by an offsetting presumption. The common law holds that "no one shall, in the first instance, be called on to prove a negative, or be put on his defense, without sufficient evidence against him having been offered, which, if not contradicted or explained, would be conclusive."¹ To give the affirmative side of a debate the burden of proof is to

¹ Professor Thayer, *Preliminary Treatise on Evidence*.

call for progress in the first speech, and thus help to get the actual debating started at once.

VI. THE PROPOSITION SHOULD BE INTERESTING

The proposition should have some immediate interest — the more the better — for both the disputants and the audience. The proposition concerning the comparative use to mankind of iron and coal is objectionable, not only because it is undebatable, but also because mankind cares little how it is answered. There should be some other interest in the outcome of a debate than the mere desire for one side to win a decision. The scholastic disputants of the Middle Ages may have become highly excited over the question as to how many angels can stand on the point of a needle, but the people of our day demand subjects which touch modern life more vitally. The student should look about him for matters of immediate interest. Let him consult the newspapers, the Congressional Record, the Messages of the President, and the political campaigns in his own community. Let him find out what people are actually discussing for some reason other than “for the sake of argument.” In his search for live propositions, he should find the daily life about him more prolific than a list suggested in the appendix of a book.

VII. THE PROPOSITION FOR FIRST PRACTICE SHOULD COVER FAMILIAR GROUND

Subjects chosen for first practice should be within the range of the writer's information and experience. Such subjects will leave him free to devote his attention rather to the technical problems of argumentation than to the understanding of the question and the collection of material. The old favorite subjects for lyceums and

graduation exercises — such as, Was Hamlet Mad? and Is the Belief in Immortality Rational? — are not adapted to first practice. Almost as objectionable are the new favorites concerning federal regulation of railway rates and municipal ownership of public utilities. Until a student is acquainted with the principles of argumentation, he will do well to confine his practice to familiar subjects. The following are good examples: Should first-year students be allowed to play on our college athletic teams? Should high school fraternities be prohibited? Should public libraries be open on Sundays? Any beginner in this study may find, among the propositions in the Appendix arranged for first practice, a few which are not too complicated or unfamiliar for his purpose.

VIII. THE PROPOSITION SHOULD BE PHRASED BRIEFLY AND SIMPLY

The question should be phrased as briefly and simply as is consistent with the other requirements. One condition which often leads to complicated, clumsy, and otherwise objectionable propositions for intercollegiate contests is the custom of having each institution alternately choose the proposition, leaving the choice of sides to the other. This promotes a tendency to try to phrase propositions so that they shall not be evenly balanced, but shall seem so to the opponents until the choice of sides has been announced. Such trickery makes no appeal to the spirit of fair play, since it attempts to win the debate before the other side has a chance. And such trickery brings debating into ill repute, because the aim is victory rather than the pursuit of truth, and the resulting contest is often a mere quibble over the meaning of an intricate proposition.

Here many will raise the objection that formal debates are and must be unreal, that they seldom enlighten an audience as to the issues of the day, that their avowed aim is victory at any cost rather than the pursuit of truth, and that they are accordingly no preparation for the honest and serious purposes of life. These charges against intercollegiate debates as they have long been conducted are not without foundation. Concerning the remedies, we shall have something to say when we consider the subject of debating.

As soon as we have an interesting, debatable proposition, embodying one central idea which is not too broad, phrased briefly and definitely, free from ambiguous and general terms, and placing upon the affirmative the burden of proof, we are ready for the work of getting at the heart of the question.

SUMMARY OF THE REQUIREMENTS FOR PHRASING THE PROPOSITION

1. It should be debatable.
2. It should not employ ambiguous words.
3. It should not be too broad.
4. It should embody one central idea.
5. It should give to the affirmative the burden of proof.
6. It should be interesting.
7. It should cover familiar ground for first practice.
8. It should be phrased briefly and simply.

SECOND CHAPTER

ANALYZING THE PROPOSITION

"As in any art, in argumentation use makes perfect, and he who is told he has promise as a debater will be wise to submit to severe training in the principles which underlie argumentation; nor should he allow himself to be led astray by that *ignis fatuus* of the weary or lazy student, the idea that because in his first careful study of the rules of the art he finds his work hampered by them, he is losing his individuality and may even work less well after his study than before. There is undoubtedly a stage in learning and applying laws of any art when, for a time, the student feels hampered by warnings for and against this or that, and longs for his old freedom of movement which certainly brought him large results. Gradually, however, the laws that were at first so hampering become a matter of course. When this stage in his work is reached, if he compares his result with the results of his labor before he studied at all, he will see his great gain. Certainly, only when a man has so thoroughly learned his art that instinctively he works rightly, can he be said to be master of it."—
G. P. BAKER.

SUCCESSFUL argumentation accomplishes three objects: (1) it sets forth in a way which is both clear and convincing just what must be done to establish or to overthrow the proposition, (2) does this by convincing arguments, and (3) arouses in connection with these arguments emotions of sufficient strength to move the will. First of all, then, an argument should show definitely and clearly the work that must be done. It should find all the central ideas and exclude all else. In other words, it should first expound the main issues, which are the points upon which the truth of the proposition depends. This, then—finding the main issues—is the most important work of what is called, in argument, the Introduction.

To prove these main issues is to establish the proposition; to disprove them is to overthrow the proposition. If the Introduction appears to be unprejudiced, and to set forth the issues clearly, the audience will agree that a speaker who succeeds in presenting a preponderance of proof on these issues establishes his case. They cannot rationally withhold from him their verdict. He virtually says to them at the outset, "If I can prove these points, I can prove the proposition." The audience nods approval. He then proceeds with his argument, making it clear along the way that he is doing just what they agreed he ought to do, to win. In the end he sums up what he has done, and demands the verdict.

If, on the other hand, a speaker arbitrarily selects certain phases of a proposition without satisfying his audience that he has chosen those phases on which the whole proposition hinges, he may accomplish all that he attempts, he may do it well, and yet lose the verdict of his audience. For, if he thus launches at once into the body of the argument, neglecting the preliminary analysis of the question, he may leave the audience objecting in the end, "How do we know that you have done all that is necessary to prove the proposition? Have you really taken up the important arguments on the other side? Why have you not dealt with this particular point?" The objections may be easily answered, or they may have no effective bearing on the question, but if a speaker has failed to anticipate them and clear them away, they are fatal.

These main issues exist within the question itself; they are independent of the will or skill of any individual; they are to be discovered by thorough study of the question, not selected to suit either side. It is true that in the work of convincing a particular group of persons,

the relative importance of the issues to this group determines the selection and the emphasis to be placed upon them. But in the preliminary investigation, the issues are to be found within the question itself, regardless of any special audience.

It is absurd to suppose that the number of main issues can be arbitrarily determined by the number of speakers on a team. Yet, in preparing intercollegiate debates, men have said: "There are three speakers on the team; therefore we shall divide the question into three parts: one speaker will take the legal aspect, one the economic aspect, and one the moral aspect." The discovery of the main issues is no such easy matter. Neither is it possible to find a fixed number of issues of equal importance. Frequently one issue outweighs all the others. As an example, take the question whether the Hay-Bond Treaty regarding the Grand Banks fisheries should be ratified by the United States. Here the economic aspect overshadows all others. Again, in the question whether religion should be taught in public schools, sectarian narrowness renders the practicability of the plan the paramount issue. This arbitrary method of selecting issues for a formal team debate, therefore, may involve the following errors: (*a*) inventing topics for discussion which are not real issues; (*b*) ignoring one or more real issues; (*c*) confusing issues which should be kept distinctly separate, and (*d*) placing on the issues disproportionate emphasis.

As issues are points of controversy, they can be found only by placing the arguments held by one side against those held by the other side. Clearly, then, all the issues can be found only by thus contrasting *all* the arguments of both sides. In this study no relevant matter is too insignificant to deserve attention. A point that is over-

looked may turn out to be the very point on which the whole case is won or lost. Without studying his opponents' contentions, a disputant may decide what he would like to prove; he may even discover the issues which he can prove, or those in which he has the advantage over his opponents; and yet not discover what he *must* prove in order to establish his case.

But students frequently raise this objection, "How am I to find the issues in this manner when I do not know what my opponent will argue?" The answer is that it does not matter, for purposes of finding the issues, what your opponent may or may not say on the question. The issues are there irrespective of any opponent, and if you find them all, you will not be surprised by any relevant argument your opponent may present. If you have omitted no important contention on either side, the clash of opinion thus revealed will indicate all the main issues. This process of resolving a proposition into its essential parts is sometimes called the analysis of the proposition.

Experience shows the need of repeating this important truth:—

All the issues can be discovered only by a thorough study of both sides of the whole proposition in all its phases.

STEPS IN ANALYSIS

The introductory work of finding the issues is *usually* assisted by setting forth a part or all of the following matters:—

- I. The Origin of the Question.
- II. The History of the Question.
- III. The Definition of Terms.
- IV. The Restatement of the Question as Defined.

- V. The Exclusion of Irrelevant Matter.
- VI. The Statement of Admitted Matter.
- VII. The Main Contentions on the Affirmative contrasted with those on the Negative.
- VIII. The Main Issues, reached through the Clash of Opinion thus revealed.

In finding the main issues, the order in which these steps should be taken depends on the nature of the question and the attendant circumstances. Moreover, it is not usually necessary to take all of these steps even in preparation, and it is *seldom* necessary to present them *all* in the final argument. But whether or not the occasion demands the careful exposition of this process of discovering the issues, the writer or speaker must, in his own mind, go through as much of the process as the question demands before he can have a clear grasp of the whole question.

Sometimes the occasion demands no introduction. In the heat of a political campaign, an entire audience may be so concerned with a particular issue that it would be futile for a speaker to talk on anything else, and they may be so familiar with the history and meaning of the question as to render explanation superfluous. The whole election in a town may hang on the appointment of a postmaster; the whole opposition to a candidate may be due to his vote on one measure; the very life of a city may depend on a single item in a protective tariff. Thus conditions may render any introduction unnecessary for the immediate purpose. The skill of a speaker, his knowledge of his audience, and his adaptation to circumstances are shown by the nature and extent of his introduction. It is just as bad to weary the audience with unnecessary definition and analysis of the question

as to confuse them by launching into the body of an argument before they are prepared to understand it. In every art, the most perfect system of rules, to insure success, must be interpreted on the broad grounds of experience and common sense.

Remembering, therefore, that argumentation is an art which admits no hard and fast rules, applicable to all questions at all times in the introductory work of analysis, let us consider under what conditions these eight steps may be useful.

I. THE ORIGIN OF THE QUESTION

The conditions which first gave rise to a controversy may help to make clear its meaning, and, by showing why it is worth discussing at the particular time, furnish an opening which may enlist the interest of the audience. Consider, as an illustration, the proposition, "Resolved, that the white citizens of South Carolina are justified in the measures they have taken to secure political supremacy." In the discussion of this proposition we can make little progress until we ask, What is justice to the negro? The answer to this question depends, in turn, partly on the explanation of how there came to be a "negro problem" in the first place. In the exposition of the meaning of the above proposition, therefore, the origin of the question is of supreme importance. The facts regarding the origin of another question may prove, on examination, unnecessary for a reader's comprehension of the argument. Even in such a case the study of these facts is, for the author, a valuable preparation.

An attempt to explain a proposition by thus referring it to its origin is called genetic exposition. But this method is sometimes misleading, for new conditions

may have given to the question a significance which originally it did not possess. Both the meaning of a question and its claim on the attention of an audience at a given time are oftener found in the full History of the Question.

II. THE HISTORY OF THE QUESTION

The History of the Question gives a background for argument which frequently guards against extraneous matter. It thus helps in finding the issues. Furthermore, the introduction is a good place for setting forth such historical facts as may be used in the proof, for the audience may need to know the history in order to understand the argument; and the audience is more likely to accept, as unprejudiced, statements made by the speaker before he has definitely taken sides on the question.

Here brevity and wise selection are demanded. Nearly all beginners give too much history, thus wasting time which they need later in the body of the argument. No more should be presented than is immediately necessary for an understanding of the question, or later necessary for purposes of conviction.

In presenting the History of the Question, the speaker must be fair. If there are any conspicuous facts which make against his side, he must not suppress them. The omission of any significant historical fact may open his case to damaging exposure by his opponents. In the debates of 1859, Lincoln thus exposed Judge Douglas:—

It is precisely upon that part of the history of the country that one important omission is made by Judge Douglas. He selects parts of the history of the United States upon the subject of slavery, and treats it as the whole, omitting from his historical sketch the legislation of Congress in regard to the admission of Missouri, by which the Missouri Compromise

was established, and slavery excluded from a country half as large as the present United States. All this is left out of his history. And hence I ask how extraordinary a thing it is that a man who has occupied a position upon the floor of the Senate of the United States, who is now in his third term, and who looks to see the government of this whole country fall into his hands, pretending to give a truthful and accurate history of the slavery question in this country, should so entirely ignore the whole of that portion of our history — the most important of all. Is it not a most extraordinary spectacle, that a man should stand up and ask for any confidence in his statements, who sets out as he does with portions of history, calling upon the people to believe that it is a true and fair representation, when the leading part and controlling feature of the whole history is carefully suppressed? ¹

When Calhoun prepared an address for the United States Senate in 1850² on the question, "How can the Union be preserved?" he first presented the Origin and the History of the Question:—

I have, senators, believed from the first that the agitation of the subject of slavery would, if not prevented by some timely and effective measure, end in disunion. Entertaining this opinion, I have, on all proper occasions, endeavored to call the attention of both the two great parties which divide the country to adopt some measure to prevent so great a disaster, but without success. The agitation has been permitted to proceed with almost no attempt to resist it, until it has reached a point when it can no longer be disguised or denied that the Union is in danger. You have thus had forced upon you the greatest and gravest question that can ever come under your consideration: How can the Union be preserved?

To give a satisfactory answer to this mighty question, it is

¹ Lincoln's *Complete Works*, vol. i, p. 550. The Century Company, New York, 1894.

² Speech of Senator Calhoun, read in the United States Senate, March 4, 1850.

indispensable to have an accurate and thorough knowledge of the nature and the character of the cause by which the Union is endangered [i. e. the Origin of the Question]. Without such knowledge it is impossible to pronounce with any certainty, by what measure it can be saved; just as it would be impossible for a physician to pronounce in the case of some dangerous disease, with any certainty, by what remedy the patient could be saved, without similar knowledge of the nature and character of the cause which produced it. The first question, then, presented for consideration in the investigation I propose to make in order to obtain such knowledge is: What is it that has endangered the Union?

To this question there can be but one answer, — that the immediate cause is the almost universal discontent which pervades all the States composing the Southern section of the Union. This widely extended discontent is not of recent origin. It commenced with the agitation of the slavery question and has been increasing ever since. The next question, going one step further back, is: What has caused this widely diffused and almost universal discontent?

It is a great mistake to suppose, as is supposed by some, that it originated with demagogues who excited the discontent with the intention of aiding their personal advancement, or with the disappointed ambition of certain politicians who resorted to it as the means of retrieving their fortunes. On the contrary, all the great political influences of the section were arrayed against excitement, and exerted to the utmost to keep the people quiet. The great mass of the people of the South were divided, as in the other section, into Whigs and Democrats. The leaders and the presses of both parties in the South were very solicitous to prevent excitement and to preserve quiet; because it was seen that the effects of the former would necessarily tend to weaken, if not destroy, the political ties which united them with their respective parties in the other section.

Those who know the strength of party ties will readily appreciate the immense force which this cause exerted against agitation and in favor of preserving quiet. But, great as it

was, it was not sufficient to prevent the widespread discontent which now pervades the section.

No; some cause far deeper and more powerful than the one supposed must exist, to account for discontent so wide and deep. The question then recurs: What is the cause of this discontent? It will be found in the belief of the people of the Southern States, as prevalent as the discontent itself, that they cannot remain, as things now are, consistently with honor and safety, in the Union. The next question to be considered is: What has caused this belief?

One of the causes is, undoubtedly, to be traced to the long-continued agitation of the slave question on the part of the North, and the many aggressions which they have made on the rights of the South during the time. I will not enumerate them at present, as it will be done hereafter in its proper place.

There is another lying back of it — with which this is intimately connected — that may be regarded as the great and primary cause. This is to be found in the fact that the equilibrium between the two sections in the government as it stood when the Constitution was ratified and the government put in action has been destroyed. At that time there was nearly a perfect equilibrium between the two, which afforded ample means to each to protect itself against the aggression of the other; but, as it now stands, one section has the exclusive power of controlling the government, which leaves the other without any adequate means of protecting itself against its encroachment and oppression.

The legislation by which it has been effected may be classed under three heads: The first is that series of acts by which the South has been excluded from the common territory belonging to all the States as members of the federal Union — which have had the effect of extending vastly the portion allotted to the Northern section, and restricting within narrow limits the portion left the South. The next consists in adopting a system of revenue and disbursements by which an undue proportion of the burden of taxation has been imposed upon the South, and an undue proportion of its proceeds appropriated to the North. And the last is a system of political mea-

asures by which the original character of the government has been radically changed. . . .

Having now, senators, explained what it is that endangers the Union, and traced it to its cause, and explained its nature and character, the question again recurs, How can the Union be saved? To this I answer, there is but one way by which it can be, and that is by adopting such measures as will satisfy the States belonging to the Southern section that they can remain in the Union consistently with their honor and their safety. There is, again, only one way by which this can be effected, and that is by removing the causes by which this belief has been produced. Do this, and discontent will cease, harmony and kind feelings between the sections be restored, and every apprehension of danger to the Union removed. The question, then, is, How can this be done? There is but one way by which it can with any certainty; and that is by a full and final settlement, on the principle of justice, of all the questions at issue between the two sections. The South asks for justice, simple justice, and less she ought not to take. She has no compromise to offer but the Constitution, and has no concession or surrender to make. She has already surrendered so much that she had little left to surrender. Such a settlement would go to the root of the evil, and remove all cause of discontent, by satisfying the South that she could remain honorably and safely in the Union, and thereby restore the harmony and fraternal feelings between the sections which existed anterior to the Missouri agitation. Nothing else can, with any certainty, finally and forever settle the question at issue, terminate agitation, and save the Union.

In attempting to set forth the meaning of the terms of a proposition through reference to the Origin and History of the controversy, one must make sure that his information is up-to-date. Otherwise he may give to the terms an interpretation which they no longer have in actual use. An illustration is furnished by the debate of 1907 between the Universities of Michigan and Wis-

consin. The proposition was, "Resolved, that a commission should be given the power to fix railroad rates." The question at once arose, What does it mean "to fix railroad rates"? Wisconsin held that fixing rates meant the substitution of a definite rate for the rate complained of. Michigan held that fixing rates meant the substitution, not of a definite rate, but of a maximum rate. The latter definition of the term prevailed, because Michigan showed that their opponents' interpretation was based on the Esch-Townsend bill of 1904, while their interpretation was based on the Dolliver bill of 1906. Within two years the meaning of the proposition for debate, as actually under discussion in Congress, had changed. For purposes of analysis, one must secure the latest information available.

III. THE DEFINITION OF TERMS

The instance just discussed shows that the definition of the terms of a proposition is of the greatest importance. Unless disputants understand the meaning attached by each other to the terms of a controversy, they may worry along indefinitely without making an inch of progress. The contending parties may think they agree on the proposition, when, as a matter of fact, their apparent agreement is due to ambiguity in the use of the terms. On the other hand, the contending parties may work themselves into a quarrel over imaginary disagreements concerning ideas, when in fact they are merely confused as to the meaning of words. Disputes which seem interminable are sometimes ended abruptly and happily upon the accidental discovery that the parties in dispute agreed all the time as to the real questions at issue, while neither side understood what the other side meant. The introductory work in

argumentation aims to make such happy discoveries scientific rather than accidental. This is one reason why a person who is skilled in debate is seldom known as contentious. He swiftly clears away the confusion due to words and exposes the vital differences as to ideas. If there are no such differences, he exposes the hollowness of the controversy and thus makes an end of it.

Macaulay, in opening his speech "On the Repeal of the Union with Ireland," exposed a confusion due to lack of definition of terms. Two members of Parliament thought they agreed on the question at issue, whereas the apparent agreement was due to the fact that they were using the word "redress" in two diametrically opposed meanings: —

Redress is no doubt a very well sounding word. What can be more reasonable than to ask for redress? What more unjust than to refuse redress? But my honorable friend will perceive, on reflection, that, though he and the honorable and learned member for Dublin agree in pronouncing the word redress, they agree in nothing else. They utter the same sound; but they attach to it two diametrically opposed meanings. The honorable and learned member for Dublin means by redress simply the Repeal of the Union. Now, to the Repeal of the Union my honorable friend the member for Lincoln is decidedly adverse. When we get at his real meaning, we find that he is just as unwilling as we are to give the redress which the honorable and learned member for Dublin demands.

REQUISITES OF A DEFINITION

There are six requisites for clearness in defining which are worth remembering, not only for purposes of argumentation, but as well for every field of human knowledge where clear thinking is demanded: —

1. A definition should cover all cases or individuals properly included under the term defined.
2. A definition should exclude all cases or individuals not properly included under the term defined.
3. A definition should be expressed, if possible, in terms simpler and more familiar than the term that designates the defined object.
4. A definition should not employ the term to be defined or any word derived from it.
5. A definition should contain only positive expressions, unless negative expressions are necessary.
6. A definition should be as brief as is consistent with the other requisites.

Such are the requisites for clearness in defining. But for purposes of argumentation, clearness in defining is not always sufficient.

As a matter of fact, there are several purposes of definition, several different reasons why we may want a word's meaning stated; and among these a broad division into two kinds should always be kept in view. Sometimes in asking for a definition we want to know in general what is the meaning of a word, how it is used or how it ought to be used in most of its possible contexts, — for instance, what is the most widely accepted meaning, or the most convenient meaning for general purposes, or the meaning accepted by the best authorities, or the meaning most historically accurate, most prominent at the time when the word was first invented or adopted. Sometimes, on the other hand, none of these questions is asked, but the questioner's whole desire is to discover how the word is used in some assertion where he finds it ambiguous, and so to get the ambiguity removed. Both these processes are commonly called definition, and the information we get in answer to either kind of question has a certain value. But there is a real difficulty in remembering — what is evident enough when we think about it — that an answer which is

valuable for the former purpose may have (on a particular occasion) not the smallest value for the latter. The "general" definition may give you no hint as to the way in which a particular assertion is meant to be interpreted.¹

When, therefore, as in formal debate, a proposition is advanced by persons other than those who discuss it, clearness in defining is not sufficient. In such cases a definition must have two qualities: it must be clear, and it must be satisfactory to the persons addressed. They must know what the speaker means, and they must be convinced that his meaning is the correct one, — correct for that particular proposition at the time and place and under the conditions of that particular debate. Otherwise, they may object in the end that he has proved, not the given proposition, but another which he has substituted for it by means of arbitrary definitions.

INADEQUACY OF DICTIONARY DEFINITIONS

Profitable argument seldom deals with terms which may be defined both clearly and convincingly by dictionaries. "Compulsory powers," "property rights," "direct taxes," "diplomatic means," cannot be thus defined as applied to particular propositions. For, in the first place, to define is to select essential features. But before we are competent to determine which of the properties are essential, those which really do differentiate it from all other things, we must be familiar with the properties. In a question so complex as to be suitable for debate, therefore, we can rarely begin our investigations with other than tentative definitions. Further study will modify these definitions. Not until

¹ Alfred Sidgwick, *The Use of Words in Reasoning*, p. 42. A. & C. Black, London, 1901.

we gain a thorough knowledge of the subject shall we reach definitions which are clearly appropriate.

Furthermore, the terms of a proposition usually have a special or technical significance closely related to the particular proposition. In such cases, the vague, general meaning of a term, as given by an ordinary dictionary, is of little use. The question, for example, whether state boards of arbitration, with compulsory powers, should be established in all the United States for the purpose of settling labor disputes, cannot be interpreted by dictionary definitions, or by vague appeals to the common sense of an audience. The team which resorted to these methods, in an intercollegiate debate on this question, failed to make their interpretation convincing to the judges and so lost the decision. The other team saw that the whole meaning of the proposition was involved in the technical definition of the phrase "with compulsory powers." Accordingly they carefully examined all the legislative acts establishing state boards of arbitration, and all the legal decisions regarding the powers of such boards, in order to determine what the phrase actually means when legally employed with reference to the particular question for debate. With this testimony from authority, they convinced the judges that their interpretation of the question was correct, and thus won the debate.

The uselessness of dictionary definitions for purposes of argumentation may be illustrated with the proposition, "A Franco-Russian alliance would be for the best interests of France." If one should try to interpret this proposition by means of any good dictionary, say the Century, he would find the general definition of "alliance" — "The state of being allied" — of no use whatever; and the special definition — "union between

nations, contracted by a compact, treaty, or league" — would be little better. The dictionary merely presents the old difficulty under a new name.

Take, for example, the question, "Is the large college preferable to the small college?" Of what use are all the dictionaries in the world in defining even such common words as "large" and "small," when they are applied to colleges? Of what use are they in defining the fundamental idea of the question, not even expressed, namely, the aim of college education? Or, suppose we had to define the "educational value" of a subject. We should discard the general dictionary definitions of these words as useless, and turn at once to an authority who has made a life study of educational problems. We might find the following, offered by Professor Paul H. Hanus: —

By the educational value of a subject, I mean its efficacy in promoting the realization of the aim of education. The aim of education is to prepare for complete living. To live completely means to be as useful as possible and to be happy. By usefulness is meant service, i. e. any activity which promotes the material or the spiritual interests of mankind, one or both. To be happy one must enjoy both his work and his leisure.¹

Take another example. "Has the Massachusetts Board of Arbitration and Conciliation settled a sufficient number of strikes to warrant its continuance?" We must first ask, What is a sufficient number? And this question dictionaries cannot answer.

The main faults of dictionary definitions are three: (1) The correct interpretation of any term of a proposition — such as *justifiable*, *best interests*, *benefit*, *advantageous*, *legitimate* — usually depends to a considerable

¹ Paul H. Hanus, *Educational Aims and Educational Values*, p. 5.

extent on the context. This the dictionary is obliged to disregard, and so furnishes a definition which is too general for the particular purpose; (2) The terms of many propositions are significant only in relation to current events, which are beyond the scope even of the latest dictionaries; (3) Too many definitions for one word are offered by the ordinary dictionary, since it attempts to cover all uses of the word. Defining for the purposes of a dictionary is a collective process; defining for the purposes of argumentation is a selective process.

SPECIAL METHODS OF DEFINITION

A dictionary definition is at best but a nucleus or core, which must be supplemented and amplified and explained for purposes of argumentation by one or more of the following methods: 1. Etymology. 2. Authority. 3. Negation. 4. Exemplification. 5. Explication.

1. **Definition by Etymology.** — The meaning of a term may sometimes be made clear through its derivation. Thus, by reference to the Greek, “antithesis” is remembered as the *setting over against* each other of contrasted ideas. But it is not safe to assume that the etymological meaning of a word is the one in common use to-day, much less that it is the meaning which the word must have in a given proposition. It is wrong to argue, as many men have argued, that because the word “education” is derived from *educere*, which means to draw forth, therefore all modern education should be a drawing forth of what is in the student. The derivation of a term may help to make clear a definition otherwise acceptable, but the derivation is not sufficient to make the definition acceptable.

2. **Definition by Authority.** — An appeal to a dictionary for the meaning of a word is an attempt to define

by authority, and for general purposes the general definitions of the dictionary suffice. But, as we have seen, the special purposes of argumentation require special authorities. Suppose the question reads, "Should state funds be appropriated for the support of sectarian institutions of learning?" Clearly, the one word which needs definition is "sectarian." Now, since it happens that an eminent and apparently impartial body of men has taken great care in defining this term as applied to institutions of learning, and since on the basis of their definitions the income of millions of dollars is now being appropriated, and since, finally, no counter-definition has been authoritatively offered, one can do no better than to define "sectarian," for the purposes of the above question, in the words of the Carnegie Foundation for the Advancement of Teaching. The opinion of John Hay as to the meaning of an "alliance" between nations would be good authority. Wharton's definitions of the terms connected with criminal evidence are satisfactory. Secretary Root is good authority as to the meaning of the "foreign policy" of the administration. The United States Commissioner of Education is good authority as to the meaning of the term "secondary education." If the question concerns the constitutionality of a law, the student does well to consult the chapter in Cooley's *Constitutional Limitations* on "The Circumstances under which a Legislative Act may be declared Unconstitutional." In short, this method of definition is good whenever a man can be found who is accepted by the audience as authority on the particular question.¹

¹ In the defense of Lord George Gordon by Lord Erskine, the whole case hinged on the definition of high treason. Lord Erskine established by authority the definition which won the case. See G. P. Baker's *Specimens of Argumentation*, pp. 92-98.

3. **Definition by Negation.** — Definition by negation, that is, by showing what a term is not, is particularly useful in argumentation whenever there is special danger of confusion between the real meaning of the term to be defined and a particular spurious meaning. The method of negation as employed in debate is illustrated by the following quotation from the Lincoln-Douglas debates, in which Lincoln shows that "genuine popular sovereignty" is not the kind advocated by his opponent: —

I say this "Douglas popular sovereignty" — for there is a broad distinction, as I now understand it, between that article and a genuine popular sovereignty.

I believe there is a genuine popular sovereignty. I think a definition of genuine popular sovereignty, in the abstract, would be about this: That each man shall do precisely as he pleases with himself, and with all those things which exclusively concern him. Applied to government, this principle would be, that a general government shall do all those things that pertain to it, and all the local governments shall do precisely as they please in respect to those matters which exclusively concern them. I understand that this government of the United States, under which we live, is based upon this principle, and I am misunderstood if it is supposed that I have any war to make upon that principle.

Now, what is Judge Douglas's popular sovereignty? It is, as a principle, no other than that if a man chooses to make a slave of another man, neither that other man nor anybody else has a right to object. Applied in government, as he seeks to apply it, it is this: If, in a new territory into which a few people are beginning to enter for the purpose of making their homes, they choose either to exclude slavery from their limits or to establish it there, however one or the other may affect the persons to be enslaved, or the infinitely greater number of persons who are afterward to inhabit that territory, or the other members of the families of communities, of which

they are but an incipient member, or the general head of the family of states as parent of all — however their action may affect one or the other of these, there is no power or right to interfere. That is Douglas's popular sovereignty applied.¹

Burke thus defines "peace" by the method of negation: —

The proposition is peace. Not peace through the medium of war; not peace to be hunted through the labyrinth of intricate and endless negotiations; not peace to arise out of universal discord fomented, from principle, in all parts of the Empire; not peace to depend on the juridical determination of perplexing questions, or the precise marking the shadowy boundaries of a complex government. It is simple peace; sought in its natural course, and in its ordinary haunts. It is peace sought in the spirit of peace, and laid in principles purely pæcific. I propose, by removing the ground of the difference, and by restoring the former unsuspecting confidence of the Colonies in the Mother Country, to give permanent satisfaction to your people; and (far from a scheme of ruling by discord) to reconcile them to each other in the same act and by the bond of the very same interest which reconciles them to the British government.

4. Definition by Exemplification. — The selection of an individual to represent the whole is a valuable means of explanation. An example in exposition is like a specimen in science.

The obvious utility of exemplification, to translate from abstract to concrete, is seen in the extensive use of pictures and models, in the quoted sentences appended to definitions of words in dictionaries and the like. . . .

Two qualities should be had in mind, in choosing an example. First, its embodiment of the idea or property in question should be salient and striking, as it is selected for this particular thing. Secondly, it should be as pure and typical

¹ Lincoln's *Complete Works*, The Century Company, vol. i, p. 541.

as possible, and as free from extraneous or exceptional elements. A perfect exemplification is wellnigh as valuable, in the realm of interpretation, as a perfect definition. . . . Especially in exemplifying intricate subjects, it is advisable to illustrate, as far as may be, *one thing at a time*; an example may easily be confused by being too complex.¹

The value of an example depends on the fact that in definition, as in every other phase of our work, the concrete is much more effective than the abstract. Having proceeded to this point in our study largely by means of examples, we need not here add others.

5. Definition by Explication. — In defining the terms of a proposition by explication, we enlarge upon its bare statements, making clear just what is involved or implied, and directing attention to those attributes of the terms defined which are of especial significance in connection with the particular proposition.

This kind of exposition may of course be applied, by way of simplification, to one's own statements, but oftenest it deals with the thought of others. In this latter case it takes upon itself all the obligations implied in dealing fairly. Not only sound criticism but common justice depends on this. The interpretation of another's thought is too momentous a thing to be trusted, as it too prevaiingly is, to vague and general impressions. The thought must be treated with all the respect due to a man's personal possessions. According to the need therefor, it must be — as the derivation of the word explication suggests — unfolded, unwoven; and in this idea is connoted not only the general process but the patience, the candor, the honesty requisite to disengage the author's real thought from the close-plaited, idiosyncratic, not seldom complex web of his expression.²

¹ J. F. Genung, *The Working Principles of Rhetoric*, p. 565. Ginn & Co.

² *Ibid.* p. 578.

Observe with what care and justice Lincoln unfolds the statement of an opponent by explication:—

MR. PRESIDENT AND FELLOW-CITIZENS OF NEW YORK:—
The facts with which I shall deal this evening are mainly old and familiar; nor is there anything new in the general use I shall make of them. If there shall be any novelty, it will be in the mode of presenting the facts, and the inferences and observations following that presentation. In his speech last autumn at Columbus, Ohio, as reported in the *New York Times*, Senator Douglas said:—

“Our fathers, when they framed the government under which we live, understood this question just as well, and even better, than we do now.”

I fully indorse this, and I adopt it as a text for this discourse. I so adopt it because it furnishes a precise and an agreed starting-point for a discussion between Republicans and that wing of the Democracy headed by Senator Douglas. It simply leaves the inquiry: What was the understanding those fathers had of the question mentioned?

What is the frame of government under which we live? The answer must be, “The Constitution of the United States.” That Constitution consists of the original, framed in 1787, and under which the present government first went into operation, and twelve subsequent framed amendments, the first ten of which were framed in 1789.

Who were our fathers that framed the Constitution? I suppose the “thirty-nine” who signed the original instrument may be fairly called our fathers who framed that part of the present government. It is almost exactly true to say they framed it, and it is altogether true to say they fairly represented the opinion and sentiment of the whole nation at that time. Their names, being familiar to nearly all, and accessible to quite all, need not now be repeated.

I take these “thirty-nine,” for the present, as being “our fathers who framed the government under which we live.” What is the question which, according to the text, those fathers understood “just as well, and even better, than we do now”?

It is this: Does the proper division of the local from Federal authority, or anything in the Constitution, forbid our Federal government to control as to slavery in our Federal Territories?

Upon this, Senator Douglas holds the affirmative, and Republicans the negative. This affirmation and denial form an issue; and this issue — this question — is precisely what the text declares our fathers understood “better than we.” Let us now inquire whether the “thirty-nine,” or any of them, ever acted upon this question; and if they did, how they acted upon it — how they expressed that better understanding. February 27, 1860. — Address at Cooper Institute, New York.

IV. THE RESTATEMENT OF THE QUESTION AS DEFINED

If the process of definition has necessarily been long and involved, it is well to restate the question, supplying the clearer, simpler, and more explicit terms, and throwing stress on those characteristics which the origin and history of the question and the definitions have shown to be most important for the particular proposition. An illustration will be found in section viii of the brief on page 226.

V. THE EXCLUSION OF IRRELEVANT MATTER

Irrelevant matters should be shown as such and excluded from the issues and from the argument proper whenever there is danger of mistaking them for real issues. It is well to show clearly in the introduction what you are *not* obliged to do in order to establish your case, and what you do not purpose to do, whenever your audience may expect you to do more than is necessary. A debating team, favoring the establishment of state boards of arbitration for settling labor disputes, found it necessary to insist that they did not advocate

such boards as cures for all industrial evils. They held merely that such boards would do enough good to justify their maintenance. Almost every proposition suitable for argument has associated with it, in common thought but not vitally, various confusing matters. On these the truth or falsity of the proposition does not hinge; therefore they are not issues. Narrowing the question down to the main issues is chiefly a matter of excluding these extraneous, that is to say irrelevant, matters.

Burke adopted this method in the following paragraph:—

The question is not now, whether the law ought to acknowledge and protect such a state of life as minority, nor whether the continuance, which is fixed for that state, be not improperly prolonged in the law of England. Neither of these in general is questioned. The only question is, whether matrimony is to be taken out of the general rule, and whether the minors of both sexes, without the consent of their parents, ought to have a capacity of contracting the matrimonial, whilst they have not the capacity of contracting any other engagement.¹

Associated more or less remotely with every question are these various matters which are apparently but not really germane. The by-paths from the open field of discussion are so easy, so alluring, so broad, that the untrained mind can never long resist the tendency to go astray. One object of determining the issues at the outset is to inclose the field of relevant discussion, as with a high hedge, to prevent escape into other fields. Or, to change the figure, the issues, like the rules of football, attempt to fix the opposite goals of the contending teams and to determine the boundaries of the contest. All

¹ Burke, p. 402. J. Duffy, London, 1871.

effort to advance the ball beyond the gridiron is wasted, as is all effort to carry the debate beyond the issues.

It is when there is *special* danger of wandering astray that the danger should be pointed out clearly in the introduction. In the question whether High License is preferable to Prohibition, the tendency to fly from the real issues is great. The advocates of Prohibition seldom distinguish between the question of the relative worth of temperance and drunkenness, and the question of the relative merits of the methods of controlling the liquor traffic. To be sure, a close relation exists between the two questions. There lies the danger. But all discussion concerning the moral value of temperance and the curse of drunkenness, however valuable in itself, is worthless when the question at issue asks what method of controlling the liquor traffic most conduces to temperance.

This exclusion of irrelevant matter is, as we shall see later, a wise precaution against the various forms of Ignoring the Question.

VI. THE STATEMENT OF ADMITTED MATTER

We cannot construct an argument on any question without separating the disputable part from the indisputable part, the mere matters of opinion from what may be regarded as matters of fact. No argument is possible without an admitted basis of fact. Usually we separate these admitted facts from the contested issues more or less vaguely in our own minds; but, for formal argument of any kind, the admitted matter should be stated in the introduction as definitely and as fully as the question demands.

The admitted matter is thus at once excluded from the issues, although *not excluded from the argument*.

Though it may not itself become the subject of contention, it may be used in connection with matters which are disputable. A skillful debater usually contrives to admit and to use to his own profit some of the opposing arguments. In this respect the admitted matter differs from the extraneous matter, for the latter is ruled out of both the issues and the argument. All the facts which have any important bearing on the issues and which may be granted should be set forth in the introduction, and held ready for use in the body of the argument.

A famous case at law furnishes a good example of thus narrowing the issues. After the New York legislature had granted to Robert Fulton and others exclusive rights of navigation in certain waters, William Wirt endeavored to prove the grant unconstitutional. In order to go directly to the heart of the question, he began to narrow the issues by excluding from them the points he was willing to admit:—

In discussing this question, the general principles assumed as postulates on the other side may be, for the most part, admitted. Thus, it may be admitted, that by force of the Declaration of Independence each state became sovereign; that they were, then, independent of each other; that by virtue of their separate sovereignty they had each full power to levy war, to make peace, to establish and regulate commerce, to encourage the arts, and generally to perform all other acts of sovereignty. I shall also concede that the government of the United States is one of delegated powers, and that it is one of enumerated powers, as contended for by the counsel for the correspondent. . . .

The peculiar rule of construction demanded for those powers may also be conceded. But the express powers are to be strictly construed; the implied powers are to be construed liberally.¹

¹ 9 Wheaton, 160.

Webster, in his speech *In Reply to Hayne*, thus distinguished between the question at issue and the points he was willing to admit:—

I understand the gentleman to maintain that it is constitutional to interrupt the administration of the Constitution itself, in the hands of those who are chosen and sworn to administer it, by the direct interference, in form of law, of the states, in virtue of their sovereign capacity. The inherent right in the people to reform their government I do not deny; and they have another right, and that is to resist unconstitutional laws, without overturning the government. It is no doctrine of mine that unconstitutional laws bind the people. The great question is, Whose prerogative is it to decide on the constitutionality or unconstitutionality of the laws? On that the main debate hinges.

Sometimes there are debatable matters which cannot be ruled out of the argument as extraneous, nor ruled out of the issues as admitted, but which a disputant is willing, nevertheless, to grant merely for the purposes of a given discussion. Such points are called waived matters. In their effect on the finding of the issues and on the argument, they are precisely the same as admitted matters.

The rule of politicians seems to be, "Admit nothing; claim everything." But men who rely on argument rather than on trickery should have quite the opposite rule, "Admit everything that you can safely admit; claim nothing that you cannot approximately prove." Go with your opponents as far as you can. Remember that, after the analysis of the question, the truth is to be found ultimately through the synthesis of apparently conflicting arguments. Take over and use as much as possible of your opponents' case. An advocate gains rather than loses by evident willingness to give due

weight to the arguments of his opponents. Concessions of this kind are persuasive. Thus Curran, in the defense of Patrick Finney, who was charged with high treason, admitted at the outset a part of the case of the Attorney-General who was conducting the prosecution:—

Mr. Attorney-General has been pleased to make an observation which drew a remark from my colleague with which I fully agree, that the atrocity of a charge should make no impression on you. It was the judgment of candor and liberality. . . .

I confess I cannot conceive a greater crime against civilized society, be the form of government what it may, whether monarchical, republican, or, I had almost said despotic, than attempting to destroy the life of the person holding the executive authority; the counsel for the Crown cannot feel a greater abhorrence against it than I do; and happy am I, at this moment, that I can do justice to my principles, and the feelings of my heart, without endangering the defense of my client. -

Admit all that you can safely admit, but no more. The admission of a point which you cannot afford to admit may be damaging; it may even be fatal. You cannot safely admit anything unless you appreciate its bearing on all the issues of the question. Debates and cases at law, otherwise strong, have been lost through the careless admission of seemingly minor points. In a recent debate at Harvard College, the last speaker in rebuttal for the negative showed clearly that an affirmative speaker had unwittingly conceded a point which proved the falsity of the proposition he was supposedly defending. Having exposed this damaging admission in one minute, the speaker presented his remaining four minutes to the other team, and concluded by saying, "Such an admission renders any further argument on our side unnecessary, and on the other side futile."

Webster, in the White murder trial, turned against the opposing lawyers a point which they had unwisely admitted:—

The counsel say that they might safely admit that Richard Crowninshield, Jr., was the perpetrator of this murder.

But how could they safely admit that? If that were admitted, everything else would follow. For why should Richard Crowninshield, Jr., kill Mr. White? He was not his heir, nor his devisee; nor was he his enemy. What could be his motive? If Richard Crowninshield, Jr., killed Mr. White, he did it at some one's procurement who himself had a motive. And who, having a motive, is shown to have had any intercourse with Richard Crowninshield, Jr., but Joseph Knapp, and this principally through the agency of the prisoner at the bar? It is the infirmity, the distressing difficulty of the prisoner's case, that his counsel cannot and dare not admit what they yet cannot disprove, and what all must believe. He who believes, on this evidence, that Richard Crowninshield, Jr., was the immediate murderer, cannot doubt that both the Knapps were conspirators in that murder. The counsel, therefore, are wrong, I think, in saying they might safely admit this. The admission of so important and so connected a fact would render it impossible to contend further against the proof of the entire conspiracy, as we state it.

VII. CONTRASTING THE CONTENTIONS OF AFFIRMATIVE AND NEGATIVE

After the meaning of the proposition has thus been set forth with clearness and precision, and with satisfaction to the audience, and after the extraneous matters have been ruled out and the admitted matters stated, the next step is the terse, impartial, and complete enumeration of the arguments which may be held on the affirmative, and those which may be held on the negative. The Clash of Opinion thus presented will reveal, as we have seen, the issues of the proposition. The main

issues are the controversial points which, if proved, directly support the proposition. The subordinate issues are the controversial points which, if proved, indirectly support the proposition by directly supporting the main issues.

There is no other way of expounding a proposition, and until a proposition is expounded, it cannot be proved. "The essence of the dialectic method," according to Bain in an *Essay on Early Philosophy*, "is to place side by side with every doctrine and its reasons, all opposing doctrines and their reasons, allowing these to be stated in full by the persons holding them. No doctrine is to be held as expounded, far less proved, unless it stands in parallel array to every other counter theory, with all that can be said for each."

On the next page is set forth in parallel columns the Clash of Opinion between the affirmative and the negative contentions on the question whether the elective system should be adopted by public high schools in the United States. (The Introduction to the argument is printed in full in the Appendix.) It is clear that the four main issues grow directly out of the opposing main arguments which are here set side by side,¹ and that the subordinate issues grow directly out of the opposing subordinate arguments. A beginner in this study of analysis will do well at this point to read the Introduction from which this Clash is taken.

¹ For other Clashes of Opinion, see Webster's *Reply* to Calhoun, February 16, 1833; and Huxley's *First Lecture on Evolution*, in G. P. Baker's *Specimens of Argumentation*, p. 64. See also the quotation from Lincoln on page 35 above, and the specimen briefs in the ninth and tenth chapters.

SPECIMEN CLASH OF OPINION

Affirmative Contentions

The elective system should be adopted in the public high schools of the United States, for

- I. Each high school pupil is better able to choose for himself than are the school authorities for all, for
 - (a) There are no studies essential for all.
 - (b) Pupils do not seriously neglect the studies most often called essential.
 - (c) There are many safeguards which inhibit foolish elections.
- II. No other plan is as satisfactory as the elective system.
 - (a) The group system is too rigid.
 - (b) A partially elective system is insufficient.
- III. The elective system is superior because it stimulates teachers to do better work.
- IV. The elective system is strongest for building character because it honors the will and trains in free choice.

Negative Contentions

The elective system should not be adopted in the public high schools of the United States, for

- I. Those in charge of public high schools can choose better for all than can each pupil for himself, for
 - (a) There are certain studies essential for all pupils.
 - (b) Pupils will not elect these studies.
 - (c) Pupils will choose foolishly.
- II. There are compromises superior to the elective system.
 - (a) The group system is superior.
 - (b) A partially prescribed system is superior.
- III. The elective system is objectionable because it prompts teachers to make their courses easy.
- IV. The prescribed system is of greater moral worth because it enforces disagreeable tasks.

MAIN ISSUES RESULTING FROM THE ABOVE CLASH OF OPINION

- I. Can each high school pupil choose better for himself or school authorities for all?
(which depends on the subordinate issues.)
 - (a) Are any studies essential for all high school pupils?
 - (b) Will pupils with free choice seriously neglect these studies?
 - (c) Are the safeguards of the elective system sufficient to prevent foolish choices?
- II. Is there any other plan as satisfactory as complete election?
 - (a) Is the group system as satisfactory?
 - (b) Is a system of partial elections as satisfactory?
- III. Is the elective system superior to any other in its effect on teachers?
- IV. Do the moral benefits of free choice claimed for the elective system outweigh the moral benefits of drudgery claimed for the prescribed system?

VIII. THE MAIN ISSUES

In law courts the main issues are set forth in the pleadings, before the debating begins, whereas in other forms of argumentation, to make the main issues clear and convincing is the work of the introduction to the argument. The method of the law court thus guards against talking beside the point; everything which has no evident bearing on one of the issues as stated in the briefs is at once excluded as irrelevant. The importance of finding the main issues and keeping them constantly in mind was aptly suggested by O'Connell, when he said that an orator should always know what he is aiming at, for when a man aims at nothing he is almost sure to hit it. Mogul Sultan Achar declared, "I never knew a man lost on a straight road." The analysis of a question reveals a straight road.

The habit of searching beneath the surface for the central ideas, of weighing each contention with reference to all the others, and of giving just as careful and fair study to one side of the question as to the other, will help a man to hew to the line of his argument. Furthermore, it will help him to pull his opponents' argument to pieces on the spot, find what is relevant and what is not, determine what essentials are omitted, and thus hold his opponents right through the contest to the issues which they must prove in order to establish their case. In a recent intercollegiate debate on the proposition, "The United States government should inaugurate a movement to bring about reforms in the Congo Free State," the first speaker for the negative, after careful analysis of the question, thus laid out the work for the other team: —

In closing, let me ask our friends of the affirmative: Will you show us evidence sufficient to demand this country's intervention? Will you show that this movement will be more effective than any already under way, more speedy in operation and more permanent in results? Will you show that the Congo situation as a whole even warrants the intervention of this country? Will you show that this movement would be legal? And will you show that it would be expedient?¹

Curran, in defending a client on trial for libel, set forth the issues in the case as follows:—

I wish, gentlemen, to simplify, and not to perplex; I therefore say again, if these three circumstances conspire,—that he published it, that it was a libel, and that it was published with the purposes alleged in the information,—you ought unquestionably to find him guilty; if, on the other hand, you do not find that all these circumstances concurred; if you cannot, upon your oaths, say that he published it; if it be not in your opinion a libel; and if he did not publish it with the intention alleged; I say upon the failure of any one of these points my client is entitled, in justice and upon your oaths, to a verdict of acquittal.²

In 1862 there was a clash of opinion between President Lincoln and Major-General McClellan regarding the movement of the Army of the Potomac. Lincoln, after lining up all that could be said in favor of McClellan's plan against all that could be said in favor of his own plan, reached what might be called the main issues. These he set forth tersely and clearly in the following letter to McClellan. The letter is, as Professor Baker has said, virtually the introduction to an argument. Lincoln, without setting forth the process by which he has arrived at these central ideas, invites his commander-in-chief to write an argument based upon them.

¹ For the entire speech, see Appendix.

² Curran, *In Behalf of Rowan and Free Speech*, 1794.

LETTER FROM PRESIDENT LINCOLN TO MAJOR-GENERAL
McCLELLAN

EXECUTIVE MANSION, WASHINGTON, February 3, 1862.

MAJOR-GENERAL McCLELLAN.

My dear Sir:—You and I have distinct and different plans for a movement of the Army of the Potomac — yours to be down the Chesapeake, up the Rappahannock to Urbana, and across land to the terminus of the railroad on the York River; mine to move directly to a point on the railroad southwest of Manassas.

If you will give me satisfactory answers to the following questions, I shall gladly yield my plan to yours.

First. Does not your plan involve a greatly larger expenditure of time and money than mine?

Second. Wherein is a victory more certain by your plan than mine?

Third. Wherein is a victory more valuable by your plan than mine?

Fourth. In fact, would it not be less valuable in this, that it would break no great line of the enemy's communications, while mine would?

Fifth. In case of disaster, would not a retreat be more difficult by your plan than mine?

Yours truly,

ABRAHAM LINCOLN.

Then, lest the reply to this letter might not be adequate in scope, lest McClellan might not perceive all that the main issues involved, Lincoln sent with the letter the following memorandum, which is in effect a statement of the subordinate issues which Lincoln regarded as most important.

Memorandum accompanying the Letter to McClellan

First. Suppose the enemy should attack us in force before we reach the Occoquan, what?

Second. Suppose the enemy in force shall dispute the crossing of the Occoquan, what? In view of this, might it not be safest for us to cross the Occoquan at Colchester, rather than at the village of Occoquan? This would cost the enemy two miles more of travel to meet us, but would, on the contrary, leave us two miles farther from our ultimate destination.

Third. Suppose we reach Maple Valley without an attack, will we not be attacked there in force by the enemy marching by the several roads from Manassas; and if so, what?

This matter of the main issue is of universal application. There is a main issue in all the affairs of life. Success depends on directing effort toward that issue. Without the ability to analyze a given situation and discover the particular difficulty to be overcome, i. e. the main issue, a man may waste his energy in blind endeavor, like a fly trying to find escape through a window. The fly bumps along from pane to pane until, by accident, it discovers the opening — the one direction in which its efforts can be used to some purpose. The aim of analysis is to economize effort, to find the opening intelligently rather than by the trial and error method of the fly.

One man works hard, and, we say, deserves success; while another man, apparently with little effort, attains success. The difference lies in the sureness with which the effort is directed toward the desired end. One lawyer wearies the court all day in talking all *around the point* on which the legal decision rests. Another lawyer spends all day in discovering that point, talks five minutes *to the point*, and wins the case. A thousand hard blows around a nail will not move it; one hard blow on the head will drive it in. The method of the main issue may be described as "hitting the nail on the head."

A teacher may have high scholarship, earnestness,

eagerness for hard work, sterling character, and yet fail in his work with a given class. There is one obstacle to success: that obstacle is the hidden issue. Until he discovers it and directs his efforts to overcoming it, all his other qualifications are of no avail. He may come to his work recommended by high degrees of great universities, and apparently with every other hope of success; and yet make a miserable failure with a class because he cannot correlate his work to the stage of advancement of the class, and thus enable them to apprehend, that is, to "take in," his instruction. He has not discovered the main issue of his problem. One manufacturer sinks thousands of dollars in useless advertising of a given food; another discovers the one thing that will make that same food sell, hits that one thing on the head with a catch phrase, and makes a fortune. One minister devotes his life to giving his people something that they do not need and empties the pews; another discovers the needs of his people and preaches to large congregations. One doctor does everything for his patient but reach the cause of the disease, and the patient dies; another doctor finds the cause, directs all his treatment to removing the cause, and the patient gets well. If the question is public finance, politicians will spend months in dickering with a dozen questions only superficially connected with the matter. What endless bills, and speeches, and amendments, and compromises will they not make, while the country moves on to a financial panic. A statesman probes to the heart of the matter, and there applies the remedy.

There is no problem, small or great, in all human affairs, which is beyond the scope of this study. "The gifted man is he who *sees* the essential point, and leaves all the rest aside in surplusage."

ANALYSIS OF THE PROPOSITION

DISCOVERY AND EXPOSITION OF MEANING

through

- | | |
|---|---|
| { | Origin of the Question and
Immediate Cause for Discussion. |
| | History of the Question. |
| | Definition of Terms. |
| | By Etymology. |
| | Authority. |
| | Negation. |
| | Exemplification. |
| | Explication. |
| | Restatement of the Question as Defined. |

DISCOVERY AND EXPOSITION OF THE ISSUES

through

- | | | | |
|---|--|--|---|
| { | Origin of the Question. | | |
| | History of the Question. | | |
| | Exclusion of Extraneous Matters from the
Argument. | | |
| | Exclusion of Admitted Matters from the Issues. | | |
| | Exclusion of Waived Matters from the Issues. | | |
| | Clash of Opinion
which is the | | |
| | Main Contentions
of the Affirmative
and Subordinate
Contentions | } contrasted
with | { Main Contentions
of the Negative
and Subordinate
Contentions |
| | | | |
| | | Resulting in
Main Issues and
Subordinate Issues
of the Proposition. | |

THIRD CHAPTER

PROVING THE PROPOSITION: EVIDENCE

"Even the most cultivated portion of our species have not yet learned to abstain from drawing conclusions for which the evidence is insufficient." — MILL.

HAVING first phrased the proposition with clearness and precision, and having next discovered by analysis the main issues involved, we have before us the problem of establishing or overthrowing the proposition: having determined just what must be proved, we have next to consider the means of proof.

"Proof is the sufficient reason for assenting to a proposition as true." ¹ The material of Proof is Evidence. Evidence is everything which ought to bring or tend to bring the mind to the conviction of the truth or falsity of a proposition. The finding and employing of Evidence is the business of argumentation. In proving the proposition, then, we meet at once the necessity for Evidence.

I. THE NECESSITY FOR EVIDENCE

Washington Irving says, in the *Salmagundi Papers*, that Straddle "became at once a man of taste, for he put his malediction on everything; and his arguments were conclusive, for he supported every assertion with a bet." Straddle's method was not original, and it is not obsolete. On the contrary, it is the main reliance of the great body of people who are unable to prove their con-

¹ Wharton's *Criminal Evidence*, p. 3.

tentions with evidence. Sweeping condemnation and vehement assertion are offered in place of proof. No fault is commoner in argumentation than unsupported assertion.

Any one who hopes to produce conviction in the minds of others must remember that evidence is the only material of proof. He must guard his every statement with eternal vigilance, lest he fall into the fatal weakness of asking his audience to believe that things are so merely because he says they are so. A man's mere "say-so" has value under one condition and only one, namely, when he is accepted by the audience as an authority on the question at issue. Unless a student of argumentation is sure that he has attained that eminence, he had best challenge every statement in his own work as well as in the work of his adversaries, to make sure that the statement is supported by evidence, and that the evidence is sufficient.¹

Let the student remember, then, that for purposes of proof, we do not care what he thinks. The reasons why he holds certain opinions may interest us, but as evidence the opinions are absolutely worthless. William Black says that in reading the proofs of his novel *Wolfenberg*, he discovered that the printer had made his heroine, who was to die of an overdose of opium, die of an overdose of opinion. Debates, stump-speeches, sermons, editorials, are every day dying of an overdose of opinion. Shun, therefore, all such phrases as "I think," "I believe," "It seems to me." They point to the weak spots of mere assertion.

The first attitude toward the material of proof should

¹ For an effective reply to the assertiveness of opponents in debate, the reader will do well at this point to turn to the first paragraph of the First Rebuttal Speech for the Negative in Appendix VIII.

be scientific. Huxley says, "Scientific men get an awkward habit—no, I shall not call it that, for it is a valuable habit—of believing nothing unless there is evidence for it; and they have a way of looking upon belief which is not based upon evidence, not only as illogical but as immoral." ¹

Every one, even though he make no pretense at public speaking, should form the valuable habit of accepting nothing and offering nothing for the truth without sufficient evidence. Columbus and his crew swore that the island of Cuba was the mainland, and any one on the ship who dared to contradict this was to have his tongue slit. As though any amount of assertion could make a continent! Yet the folly of Columbus is the folly of every man who rests any essential step in his argument on mere assertion. Whatever is to stand must rest on something which is verifiable, that is to say, on sufficient evidence. "That a story will account for certain facts, that we wish to think it true, nay, that many have formerly thought it true and have grown faithful, humble, charitable, and so on, by thus doing, does not make the story true if it is not, and cannot prevent men after a certain time from seeing that it is not. And on such a time we are now entering." ²

For the purpose of weakening the arguments of the other side, assertion is equally useless. Much of the so-called rebuttal in debating closely resembles a childish dispute: "'Tis." "'Tain't." "'Tis." "'T ain't." At the end of an entire evening of such quarreling, neither side has accomplished anything. As rebuttal, assertion in debate is about as effective as when a mother, who is cornered in error by the persistent questioning of a

¹ *American Addresses*, p. 21.

² Matthew Arnold, *God and the Bible*.

child, sweeps the whole discussion away with the remark, "You are not old enough to understand."

Lincoln, after pointing out what seemed to be the logical reason why Judge Douglas and his friends refused to adopt the Chase amendment, said:—

And now I say again, if this was not the reason, it will avail the judge much more to calmly and good-humoredly point out to these people what that other reason was for voting the amendment down, than swelling himself up to vociferate that he may be provoked to call somebody a liar. . . . If I have brought forward anything not a fact, if he will point it out, it will not even ruffle me to take it back. But if he will not point out anything erroneous in the evidence, is it not rather for him to show by a comparison of the evidence that I have reasoned falsely, than to call the "kind, amiable, intelligent gentleman" a liar? If I have reasoned to a false conclusion, it is the vocation of an able debater to show by argument that I have wandered to an erroneous conclusion.¹

Only when the speaker is accepted by the particular audience as an authority on the particular point at issue is his assertion of any value whatever as evidence. Any other man who offers his own statement as sufficient evidence has something in common with a certain conceited lawyer. A man said to him, "Who is the most able and eminent lawyer in this city?"

"I am," replied the lawyer.

"But where is your proof?" rejoined the other.

"I don't require any proof," said the lawyer, "I admit it."

Concerning the worth of an assertion, there can be no appeal from the decision of the audience. If they question the authority or the veracity of the speaker, his statements are mere assertion, and as such, regardless

¹ Lincoln's *Complete Works*, The Century Company, vol. i, p. 294.

of their truth or falsity, require the support of evidence acceptable to the doubting audience. Imperfect analysis and unsupported assertion are the two great weaknesses of the beginner in argumentation; and of these the more insidious and deadly is unsupported assertion.

II. TWO KINDS OF EVIDENCE

In each of the following paragraphs, the bare assertion of the opening sentence is supported by evidence: —

(1) Some of the simpler forms recommended by the Simplified Spelling Board merit adoption. More than one half are preferred by Webster's Dictionary, more than six tenths are preferred by the Century Dictionary, and two thirds are preferred by the Standard Dictionary. Nearly all the rest are allowed by all three dictionaries as alternative spellings in good usage. And if the authority of the dictionaries is not sufficient, why not accept the authority of the greatest names in English literature? The appearance of the simpler forms, *blest*, *dropt*, *stept*, *stopt*, and the like, in the works of Spenser, Shakespeare, Jonson, Bacon, Raleigh, and the rest, was no innovation, but was the accepted usage of the age. Besides the forms mentioned in the list, Spenser has *askt*, *laught*, *purchast*, and the like in endless profusion. Shakespeare has similar forms on every page of the original texts. Ben Jonson (in his *Workes*, 1616) has *checkt*, *dismist*, *lockt*, and the like. Milton, Fuller, Bunyan, Cowley, Butler, Dryden, Addison, Pope, Thomson, Goldsmith, and all their contemporaries use similar forms, as do such modern writers as Scott, Keats, Lamb, Landor, and Tennyson. Surely the common or frequent use of a spelling by nearly all the standard authors justifies its acceptance or resumption by present writers.

(2) The anomalies and perversities of English spelling call loudly for simplification. There is a widespread conviction that the English language, in its progress toward becoming an international language, is hampered by this one thing, — its intricate and disordered spelling, which makes

it a puzzle to the stranger within our gates and to the stranger beyond the seas. It is a burden to every writer of English. It wastes much of the time, money, and energy expended in the instruction of our children. Moreover, the printing, type-writing, and handwriting of the useless letters which encumber our spelling waste every year millions of dollars. Since, then, the reasonable and gradual simplification of our spelling will aid the spread of English, with the attendant advancement of commerce, of democratic ideals, and of intellectual and political freedom; will economize the time of our school-children and make their work more efficient, and will in numerous other ways economize both time and money, this reform should commend itself to common sense, to patriotism, and to philanthropy.

There is a noticeable difference between the kinds of evidence employed in these two paragraphs. The first endeavors to carry its point by citing authorities, the second by giving reasons. The first kind of evidence — testimony of authorities as to facts — we shall consider at once. The second kind of evidence — reasoning about facts — we shall consider in the three succeeding chapters.

III. EVIDENCE FROM AUTHORITY

Although, as we shall explain later, the direct evidence of one's own senses is not always trustworthy, nevertheless such evidence is commonly regarded as the most convincing. One asks for no better proof that a man is alive than to see that man walk into the room. The observation of any person, however, is extremely limited. His beliefs are derived largely from second-hand evidence; his conduct is thus determined largely by what he learns from other people. Only a few people have the opportunity to visit the Panama Canal, or to study the problems of railroad transportation, or to

test the fitness of various candidates for public office. Yet on innumerable matters like these, every citizen is expected to form and express opinions. These opinions must be reached through reasoning which is based principally on facts vouched for by the testimony of authorities.

In support of the reasoning itself, however, the citation of authorities is useless. Their part is to furnish the facts about which we reason. We may appeal to the authority of the Constitution to establish the fact that an unapportioned direct tax is unconstitutional. We may appeal to the authority of Joseph H. Choate, in his statement before the Supreme Court, to establish the fact that an income tax is an unapportioned direct tax. But, starting with these two facts, we may, by a simple act of reason, draw the conclusion that the income tax is unconstitutional. The validity of the inference in no way depends on the testimony of authorities.

In legal proof the testimony of witnesses as to fact and the testimony of authorities as to principle are clearly distinguished. The attempt to establish facts is made in law courts mainly through witnesses, the cross-examination of these witnesses and the handling of their testimony being one of the chief concerns of the lawyer. The attempt to establish legal principles is made through the citation of authorities, that is to say, tradition and precedents as determined by the decisions of the courts. According to legal usage, then, we may define a *witness* as one giving testimony concerning a disputed fact — as, for example, a state assayer presenting his analysis of a patent medicine; and we may define an *authority* as a person or persons competent to give judgment as to principles or other inferences from fact — as, for example, the Secretary of the Interior pre-

senting his opinions as to the best method of irrigation. In the broader field of argumentation, however, we need not insist on this legal distinction. Obviously, the state assayer could give testimony as an authority regarding the principles of chemistry, and the Secretary of the Interior could become a witness as to fact. For our purpose, we may regard as an *authority* any person or any other source of information — the United States Census, for example — especially competent to give any testimony regarding the point at issue. And as we have no use whatever in argumentation for persons of no special competence, we may here consider only the testimony of authorities. Whether the *authority* is brought forward to establish facts or to establish principles, we may estimate trustworthiness by the same tests.

IV. TESTS OF EVIDENCE FROM AUTHORITY

The so-called “authority” must be sharply scrutinized. In the first place, accurate *observation* is beyond the power of most people. Let a dozen men and women, with the same opportunities for observation, report any event, say a robbery, and they will not agree even on essential particulars. In the second place, a person cannot come as near the truth in *expression* as he can in observation. For, although it is supposed to be easy to tell the truth, it is, as a matter of fact, far from easy. Language is at best so inexact an instrument, “such a poor bull’s-eye lantern wherewith to show off the vast cathedral of the universe,” that it plays tricks even with the most exact of scholars. Every one discovers at times how difficult it is to say exactly what he means. In the third place, the *special incompetence* of a person, his physical, mental, or moral peculiarities, his preconceived

notions or personal desires, or his lack of opportunity to know and to observe, may render his testimony worthless.

For these reasons most grown-up people get rid of the childish notion that whatever appears in print is true, but many cling to the equally absurd notion that the printing of a statement does give it some claim to dignity and credence. For the purposes of argumentation, let us here make this point emphatic: The mere fact that a statement appears in print lends not one atom to its value. Every assertion that is brought forward — though it may have been printed a thousand times and repeated a million times — must be challenged and tested before it can be regarded as trustworthy testimony of authority, — before it can be of any value as evidence.

1. **Is the Reference to Authority Definite?**—The reference to the source of authority should be definite. Such vague phrases as the following, common though they are, are worthless as proof: —

Statistics gathered with great care show —

It may be said on substantial authority —

Many prominent men agree —

Competent authorities say —

We could give hundreds of cases to show —

Recent writers on this subject declare —

One had better not pretend to prove anything than to seek to cover bare assertions with such flimsy material.

If the question concerns a ten-hour day for laborers, it is bare assertion to say that the number of establishments maintaining the ten-hour day is increasing. To say that you have the statement “on good authority” is no better. To say that you depend for authority on

the words of Carroll D. Wright is one step in advance. Still, the reference is not sufficiently definite. It would be better to say: "Carroll D. Wright, formerly United States Commissioner of Labor, says, in the introduction to his annual report for 1904, that the number of establishments maintaining the ten-hour day is increasing."

In trying to prove that the United States has no right to intervene in the Congo Free State, one might say: "An eminent authority, who is in a position to know the facts, says in a letter of recent date, that this country, on account of certain negotiations, has no right to intervene in the Congo." But such a citation would be too vague to carry any weight with competent judges. Indeed, it might only arouse suspicion as to the reliability of a witness and a letter to which one dared refer only at arm's length. Observe the gain in strength when this reference to authority is made definitely: —

Hon. John A. Kasson, United States delegate to the Berlin Conference, in his letter quoted in the *Boston Transcript* of April 17, 1906, says: "The United States, through the failure of the Senate to ratify the Berlin Act, failed to become a party to the contract, and only contracting parties have the right to insist upon the due observance of all the clauses of the contract." Clearly, then, the United States officially and deliberately refused to assume the special right to interfere. Therefore, we by no means stand sponsor, as our opponents contend, for the Congo Free State.¹

In a recent debate on the proposition, "The United States should subsidize the American Merchant Marine," a speaker said: "That American shipping needs no subsidies is shown by the fact that an American capitalist has put millions of American capital into the

¹ See Appendix VIII, Second Speech for the Negative.

business." But, while the speaker rushed on to new assertions, the audience found themselves asking: "Who is this man? What is the source of your information? Under what conditions, in what manner, and at what time were these investments made?" References should be sufficiently exact to enable any one, if he wishes, to look up the original source for himself. To quote "House Report 32," or "an official report of the Treasury Department," or "Volume 33 of the *Forum*," is to substitute a weak, general reference for a strong, specific reference.

2. Is the "Authority" merely Hearsay? — Goldsmith's Citizen of the World reports a story heard from his landlady, who had it from one neighbor, who had it from another neighbor, who heard it on very good authority. That is called hearsay evidence. Its value does not depend wholly on the credit to be given one person, but also on the veracity and the competency of other persons. The objections to hearsay evidence, for purposes of argument, are (1) the variations from truth liable to occur during its passage through such fallible media as human minds and language, and (2) its irresponsibility. So small are the chances of getting the truth unblemished through such a course, and so great is the difficulty of calling it to account, that hearsay evidence is weak at one remove from the original source, and in a few removes becomes worthless. "Its intrinsic weakness, its incompetency to satisfy the mind as to the existence of the fact, and the frauds that may be practiced under its cover, combine to support the rule, that hearsay evidence is totally inadmissible." In short, it has no weight as authority.

3. Is the Authority capable of giving Expert Testimony? — The value of expert testimony depends on the

special ability of the witness to speak on the point at issue. Assuming that he is honest, and void of any special interest in the case to be decided, his testimony is valuable in proportion to his mastery of the subject. Experts on mental diseases are constantly called in court to testify as to the sanity of prisoners; engineers are called to give expert opinion as to the condition of bridges; expert foresters are engaged to estimate the value of timberlands. But each man's judgment is given special consideration only on those subjects in which he is especially skilled.

Even expert testimony must be closely scrutinized. A first reason is that the expert is inclined to be prejudiced in favor of the side that calls him to its support and pays him for his testimony. A second reason is that in almost every litigated issue, eminent specialists can be found by both sides: some to testify that the blood is human, others that it is not human; some to testify that the signature is absolutely genuine, others that it is certainly a forgery; some to testify that a certain brand of canned meat is adulterated, others to affirm that it is pure. "The devil can cite Scripture to his purpose."

What the telescope can assure us of; what the microscope can assure us of; what we can be assured of by chemical tests; what we can be assured of by careful induction produced by long and accurate observation — as to all these lines of information experts are summoned to give their testimony under oath. They are, in the main, highly cultivated men, sensitively conscientious. They are usually selected from among the front ranks of their class. They have ample time given to them for their investigations. They are liberally paid for their services, so as to enable them to take any trouble requisite for their special inquiries. Yet, notwithstanding this, there is scarcely a case in which expert testimony is summoned where we do not find, after two or three experts have

testified on one side, about the same number ready to testify on the other side.¹

4. **Has the Authority had Sufficient Opportunity to know the Facts?** — President Roosevelt's Message to Congress on the Panama Canal, written immediately after his visit to Panama, was considered especially trustworthy. Senator Thurston's speech on "The Condition of Affairs in Cuba" found special favor because he had just visited the island. These men had opportunities to know the facts. On the other hand, no expert engineer, even though he stood the other tests of authority, could give a reliable estimate of the cost of the Panama Canal without adequate chance to acquire first-hand information; and no physician's general reputation would commend him to the court as an authority regarding the cause of a particular death, unless he had taken the opportunity to examine the body at the proper time. The first speech in opposition to the intervention of the United States in the Congo Free State (Appendix VIII) employs numerous authorities who had special chances to know the facts.

5. **Is the Authority Prejudiced?** — The reason why we distrust prejudiced authority is grounded in human nature itself; and is quite apart from the question of the integrity of the authority. A prejudiced man sees evidence in a distorted way; he has a keen eye for what supports his own interests or opinions and is inclined to overlook the rest. He evades complete research when he has an instinctive feeling that the results will not be pleasing to him; he carries his arguments only far enough to support his preconceived notions, instead of pushing them rigorously to their logical conclusions. His

¹ Francis Wharton, *A Treatise on the Law of Evidence in Criminal Issues*, p. 12.

keen desire that such and such should be the truth makes him believe that it is the truth. For these reasons his testimony is untrustworthy, no matter how sincere may be his beliefs.

It is therefore weak to quote, as to the effect of shipping subsidies, the opinion of a ship-builder; or the testimony of the owner of a meat-packing establishment as to the need of government inspection. If the president of a temperance union and the head of a brewery should have exactly the same chances for observation, and should be equally honest, their reports of the working of the prohibitory law would probably be widely at variance. Indeed, this is common experience. Prejudice narrows the vision, distorts the view, colors all the objects of sight, and invalidates the very reasoning process itself.

Burke, in his speech at Bristol, tried to show that he was not prejudiced: —

I confess to you freely that the sufferings and distresses of the people of America, in this cruel war, have at times affected me more deeply than I can express. . . . Yet, the Americans are utter strangers to me; a nation among whom I am not sure that I have a single acquaintance.

Senator Thurston opened his speech on “Affairs in Cuba” in this way: —

I went to Cuba firmly believing that the condition of affairs there had been greatly exaggerated by the press, and my own efforts were directed in the first instance to the attempted exposure of these supposed exaggerations. There has undoubtedly been much sensationalism in the journalism of the time, but as to the condition of affairs in Cuba there has been no exaggeration because exaggeration has been impossible.¹

¹ John M. Thurston, U. S. Senate, March 24, 1898.

Lord Erskine, in defense of John Stockdale when tried for a libel on the House of Commons, 1789, opened his plea with an attempt to show that if he had any prejudice, it was against the client: —

GENTLEMEN OF THE JURY, — Mr. Stockdale, who is brought as a criminal before you for the publication of this book, has, by employing me as his advocate, reposed what must appear to many an extraordinary degree of confidence, since, although he well knows that I am personally connected in friendship with most of those whose conduct and opinions are principally arraigned by its author, he nevertheless commits to my hands his defense and justification.

Thus a speaker endeavors to show that he himself is free from prejudice, and that the authorities he cites are prejudiced, if at all, in favor of the causes against which they are compelled to furnish evidence.

6. *Is the Authority Reluctant?* — Testimony which is given reluctantly is especially valuable because of the increased probability that it is true. The unwilling admissions of an opponent are strong material for evidence. Lawyers make the most of such concessions as they can wring from the other side. Burke used the unwilling testimony of Lord Dunmore, Governor of Virginia, to the effect that the colonists were capable of self-government. As Dunmore was considered a bitter enemy of the colonies, his admission was strong evidence. The statement of a mill-owner to the effect that more stringent child-labor laws should be passed would be a concession, if such laws were liable to decrease the profits of his mill.

Even a reluctant authority may have ulterior motives. What is damaging to himself considered from one viewpoint may be advantageous from another. The mill-owner, for example, may have political aspirations, or he may be eager to damage a rival manufacturer, or he

may be seeking to divert attention from other questions relating to his affairs, or he may be about to retire from business. In any such case, his admissions concerning the abuses of child-labor could not be given the weight usually attached to reluctant testimony.

7. Is the Authority aware of the Significance of his Testimony? — Remarks which a person makes incidentally, with no idea of their bearing on the question at issue, may be enough to win or lose a case. People who swear falsely take most pains with the aspects which seem to them most important, whereas a whole question may hinge on a seemingly trivial detail. A beggar-woman, who insisted that her husband was a temperate man, later declared that she had used all of her money to bail out her husband, who was held on a charge of drunkenness. An editorial from the *Chicago Herald* points out the force of undesigned testimony: —

Maroney is reported as saying that “there was not a member of the Clan-na-Gael but that wanted the murderers of Dr. Cronin discovered and punished”; and, he added, “The records of the Clan-na-Gael will show that I have always opposed murders, or assassinations, for revenge or for any cause whatever.” This is the most significant and startling confession yet made. That it was unpremeditated, and uttered while the speaker was apparently in a state of considerable excitement, if not alarm, is evident; and that adds to its importance. The inference is inevitable. If the records of the Clan-na-Gael show that Maroney “always opposed murders and assassinations for revenge,” they must show that measures of murder and assassination were considered by the Clan-na-Gael, and were an essential part of its methods.¹

Undesigned testimony (or incidental testimony, as it is sometimes called) owes its special effectiveness to the

¹ Quoted by E. J. McEwan, *Essentials of Argumentation*. D. C. Heath & Co., 1898.

very fact that the authority is unaware of its significance.

8. Is too Great Reliance placed on One Authority?—Writers and speakers seldom address a group of people who are willing to accept the testimony of any one man as final. To rely on one authority is therefore dangerous. Moreover, the repeated reference to one book, one report, one source of information, does not indicate that breadth of investigation on the part of a writer which gives confidence in his words.

The Concurrent Testimony of two or more authorities to the same essentials, where there has been apparently no opportunity or motive for previous agreement, strengthens the probability of truth. Thus, Burke, in speaking of the repeal of the Law of 1699 against Roman Catholics, pointed out the force of concurrent testimony:—

With this mover and this seconder agreed the whole House of Commons; the whole House of Lords; the whole bench of bishops; the King; the Ministry; the Opposition; all the distinguished clergy of the establishment; all the eminent lights (for they were consulted) of the dissenting churches. . . . In weighing this unanimous concurrence of whatever the nation has to boast of, I hope you will recollect that all these concurring parties do by no means love one another enough to agree in any point which was not both evidently and importantly right.¹

Another example of concurrent testimony is from an address by Dr. Dudley A. Sargent:²—

As a matter of fact, criminals, dullards, the feeble-minded, and the insane as a class are considerably below the average

¹ Burke, *Speech at Bristol*, September 6, 1780.

² Address of Dr. Dudley A. Sargent, before the New England Association of Colleges and Preparatory Schools, October 12, 1907.

normal individual in physique, as shown by height and weight, while the members of any organization known for distinguished mental ability, like those of the Royal Society of England, will be found to be above the average normal height and weight. By ascertaining the physical condition of large numbers of people the natural correlation between body and mind may be readily shown. In the year 1893, Dr. William T. Porter examined some thirty thousand children who were in the public schools of St. Louis. He found that, among pupils of the same age, the average height and weight of those who were of the higher grades was greater than that of those who were in the lower grades. In other words, he found that those pupils who were mentally the most precocious were also physically the most precocious. This announcement called forth considerable criticism at the time, and many teachers, recalling a number of exceptionally bright pupils who were small in stature for their age, doubted the truth of the statement. It may be of interest, therefore, to note that Dr. Porter's conclusions have since been confirmed by observations made by Dr. Hastings in Omaha, Nebraska, Dr. Byer in Cambridge, Dr. Christopher in Chicago, by Dr. Roberts in London, England, and by Dr. Leharzig in St. Petersburg, Russia. In face of such a body of concurrent statistics from different parts of this country and Europe, no one can doubt for a moment the natural relationship between a vigorous brain and a vigorous body.

9. Is the Authority used by Opponents? — Sometimes it is effective to quote, in favor of your side of the question, an authority already used by the other side. Presumably they will be forced to recognize the source as good. But you should guard against the error of concluding that the authority is sound simply because employed by the other side. The audience may regard the source as useless for either side. If possible, quote a *later* opinion of a given authority than that quoted by your opponents, and show reasons for the change of opinion.

In a debate not long ago, one speaker quoted a passage from John Stuart Mill's *Essay on Liberty* in which he condemned the Maine Prohibitory Law. The next speaker presented in refutation the following passage from the same essay: "As soon as any part of a person's conduct affects prejudicially the interests of others, society has jurisdiction over it. . . . To individuality should belong the part of life in which it is chiefly the individual that is interested; to society the part which chiefly interests society. . . . Whenever, in short, there is a definite damage, or a definite risk of damage, either to an individual or to the public, the case is taken out of the province of liberty, and placed in that of morality or law." Having cited this quotation, the debater then showed how it nullified the one from the same authority used by the previous speaker.

10. Is the Authority likely to be accepted? — A writer or speaker should never forget his audience. All other tests of authority should be applied with reference to this final test, — Is the authority likely to be accepted as such by the particular audience? If not, a speaker can hardly afford to spend his limited time in urging the authority on unwilling ears. The effectiveness of the authority is determined rather by the confidence his name inspires in the audience than by the speaker's high opinion of him. The moment the audience doubts either the honesty of an authority or his fitness to speak on the subject at hand, his words are for them mere assertion, in need of supporting evidence, quite regardless of the question whether the doubts of the audience are justified.

If an opponent in debate presents an authority which is highly regarded by the audience, a direct attack on that authority is inadvisable. The better plan is to treat

the authority with respect, while citing on the other side of the question an authority recognized by the audience as equally trustworthy. Or, without questioning the worth of the opposing authority, one may argue so effectively that the audience will themselves conclude that the man in whom they believe must be for once mistaken. The persuasive method is to undermine cherished beliefs rather than to storm them; human nature will often yield unconsciously what it refuses on compulsion.

In his speech on the Dred Scott Decision, Lincoln thus tests the Supreme Court as an authority in this particular case:—

Judicial decisions are of greater or less authority as precedents according to circumstances. That this should be so accords both with common sense and the customary understanding of the legal profession.

If this important decision had been made by the unanimous concurrence of the judges, and without any apparent partisan bias, and in accordance with legal public expectation and with the steady practice of the departments throughout our history, and had been in no part based on assumed historical facts, which are not really true; or, if wanting in some of these, it had been before the court more than once and had there been affirmed and reaffirmed through a course of years, it then might be, perhaps would be, factious, nay even revolutionary, not to acquiesce in it as a precedent.

But when, as is true, we find it wanting in all these claims to the public confidence, it is not factious, it is not even disrespectful, to treat it as not having yet quite established a settled doctrine for the country.

A writer should apply all of these tests to his own authorities and to those of his opponents.

SUMMARY OF THE TESTS OF AUTHORITY

1. Is the reference to authority definite?
2. Is the "authority" merely hearsay?
3. Is the authority capable of giving expert testimony?
4. Has the authority had sufficient opportunity to know the facts?
5. Is the authority prejudiced?
6. Is the authority reluctant?
7. Is the authority aware of the significance of his testimony?
8. Is too great reliance placed on one authority?
9. Is the authority used by opponents?
10. Is the authority likely to be accepted?

V. DIRECT AND INDIRECT EVIDENCE

As practice in testing evidence to determine its worth, the attempt to classify evidence as Direct and Indirect is valuable. Not that any scientific classification is possible; on the contrary, no divisions can be discovered which are mutually exclusive. All are so closely associated that they can be illustrated only by extreme examples.

Lincoln, throughout the debates with Douglas, tried to show by indirect evidence "that there was a tendency, if not a conspiracy, among those who have engineered this slavery question for the last four or five years, to make slavery perpetual and universal in this nation." After having presented the evidence which he thought tended to prove that proposition, he concluded with this illustration:—

We cannot absolutely know that these exact adaptations are the result of pre-concert, but when we see a lot of framed

timbers, different portions of which we know have been gotten out at different times and places, and by different workmen — Stephen, Franklin, Roger, and James, for instance; and when we see these timbers joined together, and see they exactly make the frame of a house or a mill, all the tenons and mortises exactly fitting, and all the lengths and proportions of the different pieces exactly adapted to their respective places, and not a piece too many or too few, — not omitting even the scaffolding, — or if a single piece be lacking, we see the place in the frame exactly fitted and prepared to yet bring such piece in — in such a case we feel it impossible not to believe that Stephen and Franklin and Roger and James, all understood one another from the beginning, and all worked upon a common plan or draft drawn before the first blow was struck.

This quotation from Lincoln well illustrates the nature of indirect evidence.

There is one kind of indirect evidence which is called Negative Evidence, or the Testimony of Silence. If there is reason to suppose that a fact would have been mentioned if it had existed, the absence of such mention tends to prove that the fact never existed. For example, if the catalogues and college records of a given institution nowhere reveal the name of Arthur Brown, there is strong presumption against the belief that he was ever a student at that college. The silence is ominous.

Burke uses Negative Evidence in the following passage: —

We see the sense of the Crown, and the sense of Parliament, on the productive nature of a revenue by grant. Now search the same journals for the produce of the revenue by imposition. Where is it? Let us know the volume and the page. What is the gross; what is the net produce? To what service is it applied? How have you appropriated its surplus? What! Can none of the many skillful index-makers that we are now employing find any trace of it? Well, let them and that rest

together. But are the journals which say nothing of the revenue, as silent as to the discontent? Oh, no! a child may find it. It is the melancholy burthen and blot of every page.

Most people are accustomed to govern their conduct in matters of great importance by inference from indirect evidence. And such inference is frequently warranted by a body of facts which apparently allow but one conclusion. Suppose that a sheriff has been murdered. Suppose a man of bad reputation profited by the death; suppose the sheriff had recently extorted from the man evidence sufficient to convict him of a crime; suppose the suspected man could not prove that he was elsewhere at the given time; suppose, finally, chemical analysis discovered fresh blood spots on the coat worn by the suspected man on the day of the murder. All these facts put together would not produce one bit of direct evidence to the question at issue, namely, who killed the sheriff? But all of these facts working together, considered in relation to each other, and in the absence of contradictory evidence, might make such a body of indirect evidence as to convict the suspected man.

Indirect evidence, to be convincing, must not only indicate the truth of the conclusion, but be inconsistent with any other conclusion. Lincoln had no direct proof that his opponents had formed a conspiracy for turning all the states and territories into a slave country. But Lincoln showed that all the acts and plans of his opponents worked together so clearly and effectively to produce that result, that only one conclusion seemed reasonable. On the other hand, it was the incredible ability of Sherlock Holmes to interpret indirect evidence that opened the novels of A. Conan Doyle to gentle ridicule. Even though one conclusion was as consistent

with the known evidence as another, the author made his hero hit upon the right conclusion every time.

Indirect evidence alone can never amount to absolute proof. Suppose an athlete, known to be without money of his own, suddenly leaves R—— College, and gives no reason for so doing, even to his best friends. The next day he is enrolled in S—— College, where the expenses are much higher, and soon shows by the life he leads that he has plenty of money. He is suspected of receiving money to play on the teams of that college. Now a man testifies that he saw in the hands of that athlete a check made out in his name by the treasurer of the Athletic Association of that college. All this is indirect evidence tending to the belief that the athlete is paid for his services on the college team. But such evidence is not conclusive. It may be that a relative or other benefactor has just become interested in the man, because of his success at R—— College, and has decided to pay his college expenses in full. So the man goes to S—— College, which he has been prevented from attending before, because of its higher expenses. He does not tell his friends at R—— College his reason for leaving, because he dislikes to hurt their feelings. Finally, on one of the trips of the baseball team, he has become separated from the manager, and has thus been obliged to pay his own expenses. The check from the treasurer of the athletic association is thus explained. Indirect evidence is never absolute proof.

But, for that matter, the direct evidence of one's senses may be untrustworthy, even though corroborated by the concurrent testimony of men of unquestioned integrity. Any one who has seen a performance of the magician Kellar understands the need of exceeding great care in testing even direct evidence. A hundred men

may agree that they saw Kellar put one hundred silver dollars into a silk hat, and lo, the hat is empty. A dozen men may go upon the stage to make sure that the magician actually locks a dozen canaries in a strong trunk, and when the trunk is opened, lo, there are no birds to sing. All this should suggest to the debater the advisability of getting rid of his favorite phrases — “conclusively proved,” and “proved beyond the shadow of a doubt.” Rarely is any debatable proposition conclusively proved by either direct or indirect evidence, and the speaker who asserts that he has done more than create a high probability of truth deserves to forfeit the confidence of his audience on account of his exaggeration. “Indeed, I scarcely know whether there is any such thing as evidence purely positive. You see a man discharge a gun at another; you see the flash, you hear the report, you see the person fall a lifeless corpse, and you *infer* from all these circumstances that there has been a ball discharged from the gun, which entered his body and caused his death, because such is the usual and natural cause of such an effect. But you did not see the ball leave the gun, pass through the air, and enter the body of the slain; and your testimony to the fact of killing is thereby only inferential.”¹ The inference as to intent would be even more subject to error.

Direct evidence, as well as indirect evidence, depends for its effectiveness wholly upon circumstances. As we have seen above, an authority must be tested in numerous ways. Furthermore, his evidence may be worthless because he is physically, mentally, or morally unfit to testify to the point at issue. Or his evidence may be offset by other direct evidence from an equally reliable source. Direct and indirect evidence should be used

¹ C. J. Gibson. Charge to the jury in a capital case.

together. One may strengthen the other and even point the way to its discovery.

VI. SELECTION OF EVIDENCE

Not all that is relevant is of sufficient importance to be used. The time-limit in formal debate and the natural limit of human patience and attention make selection of evidence a matter of great importance. In attempting to prove, for example, that a certain man committed a theft in Boston at a certain time, it is relevant to prove that he was in Boston at that time. Yet that fact in itself makes a case against him which is only as one against five hundred thousand, since there were in Boston at the time fully five hundred thousand people. The debater cannot afford to spend his limited time in matters which advance his case in so slight a degree.

Suppose, however, in the above instance, the defense had established a preponderance of proof that the man was not in Boston at the time of the theft. Then the evidence to prove that the man was in Boston would become at once of the greatest importance. Indeed, the case against him could not proceed until that presumption of his innocence had been overthrown. This illustrates the fact that evidence must be selected and weighed with constant reference to the arguments of the other side.

The selection of evidence must be made with fairness. The advocate of a protective tariff who confined his remarks to the beneficent effect of the tariff on "shot, barb-wire, and putty" left his audience convinced that he must have had difficulty in finding commodities on the tariff schedule which favored his contention. It is easy to make a selection of evidence which will leave a false impression, but it is contemptible work. No man

worthy of the name will pick his material with a view to deceit. Particular care must be used in the selection of statistics, for selections may be artfully made or even invented, which appear to prove widely different conclusions. For a speaker to assert as true that which he does not know to be true is as bad as to present as true that which he knows to be false. To do either is ultimately ineffective as well as ethically wrong.

Among the many pieces of evidence that may honestly be used to good effect, a few may be used to great effect. If a speaker employs the first evidence that comes to hand, his work surely will be weak. He should read, read, read. He should think, think, think. And all the time he should be judiciously selecting, weighing, comparing, rejecting. He should collect a mass of material and finally throw away most of it. Let all the good pieces of evidence struggle for places in the argument: the law of selection must be the survival of the fittest.

VII. USE OF EVIDENCE

Do not overestimate the strength of your evidence. Do not break its back by loading upon it more work than it is able to do. Evidence may prove possibility, probability, or actuality. If, as is often the case, your evidence proves only the possibility of the truth of your contention, do not infer or proceed on the assumption that it proves more. No matter how strong your evidence may be on a really debatable proposition, it seldom proves more than a high degree of probability. Do not allow your conclusions to surpass your evidence. Those who detect the exaggeration will be forced to conclude, either that you are trying to deceive them as to the weight of the evidence, or that you are yourself deceived. In either case, they will regard all your evi-

dence with suspicion. Your own exaggeration in one instance will raise a presumption against all the evidence you present. As we have said in connection with direct evidence, a person who asserts that he has proved his proposition "beyond the shadow of a doubt" reveals a carelessness of judgment or of language, for "everything relating to human affairs, and depending upon moral evidence, is open to some possible or imaginary doubt." ¹

VIII. TAKING NOTES OF EVIDENCE

In taking notes of evidence, it is advisable to observe the following rules: —

1. Use cards or sheets of paper of uniform size, and write only on one side.
2. Place on one card or one sheet of paper only evidence relating to a single sub-topic.
3. Quote from the original source unless you are forced to use a second-hand source.
4. Take few notes until you have defined the question, and secured a general idea of the controversy and a tentative set of issues.
5. Select those words which bear most cogently and tersely on the point at issue.
6. Always make an exact reference to the source at the time when you make note of the evidence.
7. Quote exactly, and use quotation marks.)
8. Indicate omissions by means of dots, thus: . . .
9. When you supply your own words inside a quotation, inclose them in brackets [thus].
10. Indicate at the top of each card the main subject or issue to which the evidence relates, and the sub-topic.

¹ Chief Justice Shaw. (Bemis's Webster Case, 190.)

11. In making note of material for refutation, state exactly the argument to be refuted.

12. Employ a definite system in arranging your evidence.

The following cards were prepared by men who were collecting evidence on the question, "Should secret societies in public high schools be prohibited?" The use of these cards in constructing the outline of the argument and in debating will be treated later in connection with those subjects.

INFLUENCE ON SCHOLARSHIP.

Report of N. E. A.
Committee.

Committee of the National Education Association, G. B. Morrison, of St. Louis, Chairman, resolved, —

"that we condemn these secret organizations because . . . they stir up strife and contention; because they dissipate energy and proper ambition; because they set wrong standards; because they detract interest from study."

Source: *Proceedings of the N. E. A.*, 1905, p. 451.

SOCIAL INFLUENCE.

Testimony of E. G. Cooley.

Superintendent Cooley, of Chicago, says: —

"I sought an individual expression from 15 principals and 375 teachers in the high schools of Chicago. Without an exception or a dissenting voice, they characterized the influence of the fraternities and sororities as harmful to scholarship and to discipline, as un-American and un-democratic."

Source: *Sixty-Ninth Annual Report of the Board of Education, Massachusetts*, 1904-1905, p. 193.

LEGALITY.

Summary of Court Decisions.

Following Cases quoted:—

State *v.* Hine, 59 Conn. 50.

Fertich *v.* Michener, 111 Indiana, 472.

Jones *v.* Cody, 62 L. R. A. 160 (Detroit, Mich.).

Deskins *v.* Gose, 85 Mo. 485.

King *v.* The Jefferson City School District, 71 Mo. 628.

Above cases all bear on *general* question of control of school over child.

Source: *Education*, January, 1908. "The Nature and Scope of Control over School Children by School Authorities," by F. L. Pugsley, Melrose, Mass.

AUTHORITIES.

E. G. Cooley.

Superintendent of Schools, Chicago, since 1900.

Ph. B., Chicago University, 1895.

Principal of High School, La Grange, Ill., 1893-1900.

President, Department of Superintendence, N. E. A., 1904.

Decorated by Austrian Government, 1905.

Elected President N. E. A. following active campaign against secret societies, 1906.

Sources: *Who's Who in America*, 1906-1907. *School Review*, September, 1906.

IX. SOURCES OF EVIDENCE

Almost as soon as the proposition is phrased, the question arises, "Where can I find material on this subject?" The first reply may well be this: examine carefully the content of your own mind to ascertain your beliefs and the grounds for your beliefs, to determine to what extent your ideas are founded on fact and to what extent they are merely vague impressions, and thus to differentiate what you know from what you do not

know. Then read the broad surveys and digests of the subject which appear in the encyclopedias, in such monthly magazines as the *American Review of Reviews* and the *World's Work*, and in such weekly periodicals as the *Nation*, the *Independent*, the *Outlook*, and the *Literary Digest*. Thus you will get some idea of the origin and history of the controversy, of the latest information, of the main contentions on both sides, and of the leading authorities.

Magazines are valuable sources of material on current topics. The best indexes to Periodical Literature are the *Reader's Guide*, published monthly, and *Poole's Index* and *The Annual Library Index*. These and the card catalogues should be used first. In consulting such lists, the investigator should look for material under several heads. If, for instance, he seeks information on the question whether intercollegiate athletics should be abolished, he should not expect to find all the significant articles indexed under "Athletics." He may find important contributions to the controversy under such heads as "University," "College," "School," "Baseball," "Football," "Physical Culture," and "Education." He should continue his search until he has an extensive list of references from which to choose. Otherwise, he may spend too much time in reading inferior articles, while he either overlooks the best ones, or discovers them when it is too late to give them due attention.

Special lists of selected books and articles are published frequently by the Library of Congress on such prominent subjects as *Child Labor*, *Employer's Liability*, *Taxation of Inheritances and of Incomes*, and *Tariffs of Foreign Countries*. A book by R. C. Ringwalt, called *Briefs on Public Questions* (Longmans, Green & Co.),

contains suggestive briefs on twenty-five of the most important public questions of the day, together with selected lists of references. The *Encyclopedia of Social Reform*, by W. D. P. Bliss, is another storehouse of information on debatable topics. Still another useful book is Henry Matson's *References for Literary Workers* (A. C. McClurg & Co.). It contains a list of over six hundred questions for discussion. Although most of these are unsuitable for debate, there are well-selected references on various debatable propositions relating to such subjects as Party Government, Negro Suffrage, State Rights, The Jury, Capital Punishment, Divorce Laws, Immigration, Railroads, Prohibition, Protection, Income Tax, Trade Unions, Trusts. The references from this book should in every case be supplemented by references from the latest magazine and congressional indexes.

There are many official publications which furnish information regarding the most perplexing public problems. The government of the United States, the government of each state, many municipalities, many reform associations, religious bodies, industrial boards, and other organizations promoting special interests, employ in the aggregate thousands of experts to investigate particular problems, to compile the laws, to collect, tabulate, and interpret statistics, and to suggest remedies for alleged evils. The reports of these experts are widely distributed. Most of the United States Government reports are deposited in every college library in the country. To mention only a few, there are the Census reports, the annual reports of the Commissioner of Education and of the Interstate Commerce Commission, the Messages of the Presidents, and the *Congressional Record*.

The *Congressional Record* is indexed under three heads — names, subjects, and bills by their official numbers. For each session of Congress, the *Documents* are arranged in six groups: *Senate Executive Documents*, *Senate Miscellaneous*, *Senate Reports* (of committees), *House Executive Documents*, *House Miscellaneous*, *House Reports* (of committees). There is a *Document Index* for each session of Congress. The *Monthly Catalogue*, which lists all the publications of the United States, is the best source of information on recent government publications. At the close of each Congress, a catalogue is published listing and describing all the publications of that Congress. Both the catalogue and the documents therein listed can be obtained by almost any school or public library on application to the Superintendent of Documents. There is a valuable *Index of Economic Material in Documents of the States of the United States*, published by the Carnegie Institution of Washington. Then there are the publications of societies with a purpose, such as the Report of the National Civic Federation on *Municipal and Private Operation of Public Utilities* (1907), the proceedings of the Annual Conventions of the National Education Association, and the publications of the Congo Reform Association.

Valuable special references are often appended to the articles in the best encyclopedias. A convenient list of references is given in the introduction, by A. B. Hart, to Brooking's and Ringwalt's *Briefs for Debate* (Longmans, Green & Co.). This enumerates the most fruitful sources of information, finding-lists, indexes, books on debating, and compilations for current events. The briefs in this book, though they should never be followed as models, offer some suggestions; and the refer-

ences to each brief, though not up-to-date, may be supplemented by later material.

On industrial questions the *Report of the United States Industrial Commission* (nineteen volumes, 1900-1902) contains a mass of valuable material; likewise the *Selections and Documents in Economics* edited by Professor W. Z. Ripley, of Harvard University (Ginn & Co.). On mooted political questions R. C. Ringwalt is editing a series of volumes entitled *American Public Questions* (Henry Holt & Co.). Putnam's *Questions of the Day* also contains a number of volumes treating of debatable subjects. Plans are nearly completed (June, 1908) for the publication of a quarterly periodical to be devoted entirely to debating. This periodical will contain complete reports of debates and valuable bibliographies on current questions.

A whole volume of suggestions might easily be furnished to the beginner in the search for materials; but, after all, no instruction in this matter can equal his own experience. He will learn how to economize time partly by wasting time, and he will feel the resources of libraries at his command only after extensive investigation and research of his own.

FOURTH CHAPTER

PROVING THE PROPOSITION: INDUCTIVE AND DEDUCTIVE ARGUMENT

“All inference, consequently all proof, and all discovery of truths not self-evident, consists of inductions, and the interpretations of inductions; all our knowledge, not intuitive, comes to us exclusively from that source.” — MILL.

AT the outset of our investigation concerning the kinds of argument, we find a classification provided by the science of logic — inductive argument and deductive argument. But before we consider that classification, we shall do well to determine the relation between argumentation and logic.

RELATION OF ARGUMENTATION AND LOGIC

Argumentation, in common with every other art, presupposes scientific knowledge. It may be called the art of which logic is the science. Logic tests our thinking-processes to determine whether they conform to fixed rules. That is to say, the main purpose of logic is to enable men to distinguish between good and bad reasoning. The communication of reasoning to other people for the purpose of convincing them and urging them to action is argumentation. This suggests a point of view which must be maintained throughout the study and practice of argumentation, for the final test of any piece of evidence — a definition, a citation from authority, an inference — is never its sufficiency for the one who employs it, but its sufficiency for those to whom it

is addressed. Obvious as this fact seems, there are not many people who are quite free from the danger of overlooking it.

Logic is concerned only with reason. Argumentation is concerned not only with logical grounds for belief, but with all other grounds for belief. That part of argumentation which rests on logical grounds is called conviction; that part which attempts to influence belief or action through appeal to emotion rather than to reason is called persuasion.

The usual form in which logic presents reasoning is the syllogism. In this form one proposition is inferred from two other propositions. These two propositions from which the inference is made are called premises, because they are put forward as a means of reaching the third proposition or conclusion. Thus a Syllogism consists of three complete statements: (1) a Major Premise, (2) a Minor Premise, and (3) a Conclusion.

- | | |
|--|----------------|
| (1) All college students should
speak good English, | Major Premise. |
| (2) John Sorrow is a college stu-
dent, | Minor Premise. |
| (3) John Sorrow should speak good
English, | Conclusion. |

An Enthymeme is a syllogism with one or more of its propositions suppressed; for example, "John Sorrow should speak good English because he is a college student."

In such simple syllogisms as the above there is no difficulty in perceiving that the conclusion follows from the premises, directly and necessarily. Not all inferences are so obvious. Now and then we feel sure that an argu-

ment, although resembling a valid syllogism, is somehow feeble or tricky; but just how, we are unable to determine. This difficulty, logic aims to overcome. A knowledge of the rules determining the validity of the syllogism is therefore of some value to all who wish to reason correctly.¹

Any one who does not understand the nature of the false inferences resulting from a violation of these rules will do well to study that part of some elementary treatise which deals with the rules of the syllogism. The *Primer of Logic*, by W. S. Jevons, will serve the purpose. One need not expect that the memorizing of the nineteen moods of the syllogism will solve all the difficulties of reasoning with the precision of a cash register. But familiarity with the meaning and application of these rules will aid in testing those arguments which are presented in syllogistic form, or which may be expanded into that form by supplying the suppressed parts. Furthermore, a knowledge of these rules may warn one against attempting to present, in such simple form, any argument the complexity of which renders its expression in a single, valid syllogism impossible.

Since logic sits as judge over the reasoning processes in all departments of knowledge, it has been called

1 THE RULES OF THE SYLLOGISM

1. A syllogism must contain three terms, and only three terms.
2. A syllogism must consist of three propositions, and only three propositions.
3. The middle term of a syllogism must be distributed, that is, taken universally, or in its whole extent of meaning, once at least in the premises.
4. No term may be distributed in the conclusion unless it is distributed in the premises.
5. From two negative premises nothing can be inferred.
6. If one premise be negative, the conclusion must be negative, and we cannot get a negative conclusion unless one of the premises be negative.

the Science of Sciences, and Science is, as Huxley says, "nothing but trained and organized common sense." Now this trained and organized common sense — which is, in fact, none too common — argumentation aims to employ. Yet an extensive study of Formal Logic is not necessary, for what is usually taught as such seems to an ordinary student pretty far from common sense. It helps him but little in the practical difficulties of reasoning well and of exposing the more plausible kinds of unsound reasoning and verbal confusion, for it enables him to distinguish between good and bad reasoning only in those rare cases — rare outside of text-books — when, starting with a single faultless generalization and with three terms free from ambiguity, he is able to present his reasoning in the simple form of the syllogism. Syllogistic logic is concerned largely with such obviously true propositions as "All monkeys have tails," and such obviously false conversions as "All animals that have tails are monkeys." Consider, for example, the syllogism presented by Whately: "White is a color; black is a color; therefore black is white." Such simple errors are too remote from every-day difficulties to incite much interest. Beyond such obvious truths and obvious falsehoods, the use of the syllogism is limited, for the soundness of the inference depends on the assumption that the terms are free from ambiguity. In actual inferences this assumption is never wholly justifiable, especially when the soundness of the inference is most debatable. Professor Jevons himself says that "by far the greater number of words are ambiguous, and it is not easy to find many words which are quite free from ambiguity."¹

In consequence of these facts, argumentation has

¹ W. Stanley Jevons, *Primer of Logic*. D. Appleton & Co., 1885.

further distinctive features. Whereas syllogistic logic sets forth the conditions under which a conclusion is necessarily true, argumentation, on the other hand, is concerned mainly with attempts to show merely that the chances are in favor of the truth of a given conclusion, under conditions which demand action at the same time that they preclude the possibility of adequate tests of truth. A little thought will show that the propositions most frequently debated are not open to immediate verification. The conclusions reached by the processes of argument depend not on a single proposition, but on many.

Consider, in contrast, how readily mathematics employs the syllogism. To prove that two equilateral triangles are equal, we have only to establish a single proposition, namely, "the two triangles have equal altitudes." But mathematics, far from being the typical form of reasoning, is a highly artificial and exceptional form. In dealing with the innumerable perplexing problems which confront us in every phase of daily life, we are forced to separate complex and ambiguous propositions into many parts, and to make a final judgment of probability from many facts and arguments, weighed against each other in balances so liable to error that the scientist would banish them from the laboratory. Furthermore, as logic is concerned only with the reasoning processes, it provides no tests for that large division of evidence which we have called the testimony of authority; it does not assist in the finding of evidence; nor does it guide us in that important and difficult part of argumentation which appeals, not to reason, but to emotion. On all of these accounts an extensive study of syllogistic logic is not only of little help to a student of argumentation and debating, but

— in one respect which we shall next consider — may actually prove a hindrance.¹

ATTENDANT CIRCUMSTANCES

Students who come from the study of the simplified inferences of logic to the vastly more difficult problems of applying the process of argument to the complicated affairs of life, bring with them too abstract a view. Their formal processes are beset with difficulties. These they are impatient to brush away. They are in danger of overlooking the *attendant circumstances* which prevent the immediate reduction of an argument to the simple and isolated forms of logic. Yet these attendant circumstances are the making or the breaking of an argument. They enter vitally into the consideration of every question which may profitably become the subject of debate in actual life.

This truth Macaulay emphasized in his speech on the Repeal of the Union with Ireland, when he answered the charge of an opponent in the following way: —

Sir, in showing, as I think I have shown, the absurdity of this cry for repeal, I have in a great measure vindicated my-

¹ A careful consideration of this whole question may be found in the admirable little book by Alfred Sidgwick, called *The Process of Argument* (A. & C. Black, pp. 74 ff). Bernard Bosanquet says, in the *Essentials of Logic* (The Macmillan Co., p. 99), "The educational value of elementary formal logic consists chiefly, I am convinced, in the exercise of paraphrasing poetical or rhetorical assertions into this typical shape, with the least possible sacrifice of meaning. The commonest mistakes in the work of beginners, within my experience as a teacher, consist in failures to interpret rightly the sentence given for analysis." Mill points to the same conclusion when he says that the "end aimed at by Formal Logic, and attained by the observances of its precepts, is not truth, but consistency. It has been seen that this is the only direct purpose of the rules of the syllogism; the intention and effect of which is simply to keep our inferences or conclusions in complete consistency with our general formulæ or directions for drawing them."

self from the charge of inconsistency which has been brought against me by my honorable friend, the member for Lincoln. It is very easy to bring a volume of Hansard to the House, to read a few sentences of a speech made in very different circumstances, and to say, "Last year you were for pacifying England by concession; this year you are for pacifying Ireland by coercion. How can you vindicate your consistency?" Surely my honorable friend cannot but know that nothing is easier than to write a theme for severity, for clemency, for order, for liberty, for a contemplative life, for an active life, and so on. It was a common exercise in the ancient schools of rhetoric to make an abstract question, and to harangue first on one side and then on the other. The question, Ought popular discontents to be quieted by concession or coercion, would have been a very good subject for oratory of this kind. There is no lack of commonplaces on either side. *But when we come to the real business of life, the value of these commonplaces depends entirely on the particular circumstances of the case which we are discussing.*¹ Nothing is easier than to write a treatise proving that it is lawful to resist extreme tyranny. Nothing is easier than to write a treatise setting forth the wickedness of wantonly bringing on a great society the miseries inseparable from revolution, the bloodshed, the spoliation, the anarchy. Both treatises may contain much that is true; but neither will enable us to decide whether a particular insurrection is or is not justifiable without a close examination of the facts. . . . Is it not then absurd to say that, because I wished last year to quiet the English people by giving them that which was beneficial to them, I am therefore bound in consistency to quiet the Irish people this year by giving them that which will be fatal to them?

INDUCTIVE AND DEDUCTIVE ARGUMENT

Logic classifies argument as inductive and deductive. The process of reasoning by which we arrive at a general law through the observation of particulars is called

¹ The italics are not Macaulay's.

inductive reasoning. By this method men reached the classic generalization, "All men are mortal." The opposite process, by which from a general law we draw a conclusion with regard to a particular case, is called deductive reasoning. Thus from the law that all men are mortal, we deduce the conclusion that John Sorrow is mortal. Inductive argument is inference from the specific to the general; deductive argument is inference from the general to the specific.

DEDUCTIVE ARGUMENT

The classic example of the deductive syllogism is as follows:—

All men are mortal.

Socrates is a man.

Therefore Socrates is mortal.

A deductive argument has the fundamental requisites of effectiveness if it satisfies three conditions: first, if the generalization on which it is based is proved true or accepted without proof; second, if the term about which something is affirmed in the conclusion is brought unmistakably within the class about which the generalization asserts a truth; third, if the conclusion inevitably follows from the two propositions thus established. In other words, a deductive argument has the primary requisites of conviction if the two premises are true, and if the inference from them violates none of the rules of logic.

If the truth of the generalization is questioned, it must be established by inductive methods. When this is accomplished, the next problem is to prove that the instance under dispute is covered by the generalization. Thus, in seeking to prove that the granting of shipping subsidies should be condemned, we may first establish

the general principle that all class legislation should be condemned. Our next problem is to prove that the granting of shipping subsidies is class legislation. When this is proved, the conclusion to be deduced from the two premises becomes self-evident. Thus we see that the greatest difficulty in deductive argument lies in establishing the minor premise, i. e. in bringing the case under dispute within the general principle which constitutes the major premise.

For a more involved example, we may take the attempt of a speaker in a recent debate to prove that school authorities have a legal right to prohibit secret societies. He started with the following principle, affirmed by the court in the case of *Burdick v. Babcock* (31 Iowa, 562): "Any rule not subversive of the rights of the children or parents, or in conflict with humanity and the precepts of divine law, which tends to advance the object of the law in establishing the public schools, must be considered reasonable and proper." Having stated that general principle on the authority of the court, he then endeavored to show that a rule prohibiting secret societies is just such a rule as the court declared "must be considered reasonable and proper." This, evidently, was the main work of the debater. The conclusion which he deduced at the end of his speech was no new truth, but merely a statement of the truth included in the premises.

If the particular case in a minor premise does not fall within the general group about which an assertion is made in the major premise, no valid conclusion can be deduced. It was the failure to bring the case under discussion within the operation of the general rule which Lincoln thus exposed in the reasoning of Douglas: —

The States must, without the interference of the General Government, do all those things that pertain exclusively to themselves — that are local in their nature, that have no connection with the General Government. After Judge Douglas has established this proposition, which nobody disputes or ever has disputed, he proceeds to assume, without proving it, that slavery is one of those little, unimportant, trivial matters, which are of just about as much consequence as the question would be to me whether my neighbor should raise horned cattle or plant tobacco; that there is no moral question about it, but that it is altogether a matter of dollars and cents; that when a new Territory is opened for settlement, the first man who goes into it may plant there a thing which, like the Canada thistle, or some other of those pests of the soil, cannot be dug out by the millions of men who will come thereafter; that it is one of those little things that is so trivial in its nature that it has no effect upon anybody save the few men who first plant upon the soil; that it is not a thing which in any way affects the family of communities composing these States, nor any way endangers the General Government. Judge Douglas ignores altogether the very well-known fact that we have never had a serious menace to our political existence, except it sprang from this thing, which he chooses to regard as only upon a par with onions and potatoes.¹

When we have reduced a deductive argument to the form of the syllogism, we can readily test its validity by inquiring whether the conclusion inevitably follows from the premises. If not, the argument is unsound. All errors in deductive reasoning appear simple enough when thus presented in concise and complete form. But often a careless reasoner establishes a general principle, and later on, amid the confusion of wordiness, proceeds to deduce a conclusion, not from the principle which he has established, but from one which resembles it. The difference may be in a slight qualification, and

¹ Lincoln's *Complete Works*, The Century Company, vol. i, p. 544.

yet that may be sufficient to render the argument void. For example, a temperance lecturer spent half of his time in trying to prove that the prohibitory law, *if properly enforced*, promotes temperance. He then founded the rest of his argument on the assumption that he had proved his first assertion in unqualified form. As the unsoundness of such reasoning becomes at once apparent when presented in the rigid form of the syllogism, it is well to try this method in argumentation whenever the attendant circumstances permit.

INDUCTIVE ARGUMENT

We have defined inductive argument as inference from the specific to the general. In *Sesame and Lilies*, Ruskin endeavors by the inductive method to prove the truth of the general statement, "Shakespeare has no heroes; — he has only heroines": —

There is not one entirely heroic figure in all his plays, except the slight sketch of Henry the Fifth, exaggerated for the purposes of the stage; and the still slighter Valentine in *The Two Gentlemen of Verona*. In his labored and perfect plays you have no hero. Othello would have been one, if his simplicity had not been so great as to leave him the prey of every base practice around him; but he is the only example even approximating to the heroic type. Coriolanus—Cæsar—Antony stand in flawed strength, and fall by their vanities; — Hamlet is indolent, and drowsily speculative; Romeo an impatient boy; the Merchant of Venice languidly submissive to adverse fortune; Kent, in *King Lear*, is entirely noble at heart, but too rough and unpolished to be of true use at the critical time, and he sinks into the office of a servant only. Orlando, no less noble, is yet the despairing toy of chance, followed, comforted, saved, by Rosalind. Whereas there is hardly a play that has not a perfect woman in it, steadfast in grave hope and errorless purpose; Cordelia, Desdemona, Isabella, Hermione, Imogen, Queen Catherine,

Perdita, Sylvia, Viola, Rosalind, Helena, and last, and perhaps loveliest, Virgilia, are all faultless; conceived in the highest type of heroic humanity.

A complete or perfect induction must examine all the specific instances covered by the general statement in the conclusion. Thus, when we have determined individually that each of the planets — Mercury, Venus, the Earth, Mars, Jupiter, Saturn, Uranus, and Neptune — revolves in an elliptic orbit around the Sun, we are able to reach the perfect induction, "All the known planets move in elliptic orbits around the Sun." This is an easy inference because the premises cover all cases which can possibly come under the conclusion. As in the deductive syllogisms considered in the last chapter, so in this perfect inductive syllogism, the conclusion contains nothing not implicitly contained in the premises.

However valuable a perfect induction may be as a means of tersely expressing a truth regarding a large number of particular facts, such indisputable truths concern us only incidentally in the process of argument. If the truth of a general statement can be tested by the examination of all the specific instances involved, it is a matter for arithmetic rather than for argumentation. Nearly all the general statements that we are forced to employ, and the only ones that become subjects of controversy, are *imperfect* inductions. Accordingly, the field of inductive knowledge with which we are most largely concerned in argumentation consists, not of universal truths, but of approximations to such truths. In actual debate we are never able to carry our inductive reasoning to a single faultless statement, for such a plain truth is not debatable. In practical affairs we must do the best we can with general statements which we do

not know to be universal. Questions which involve the infinitely varying temperaments, desires, ideals, and intelligence of human beings are so complicated as to offer infinite chance for inductive error. And so it happens that "even when science has really determined the universal laws of any phenomenon, not only are those laws generally too encumbered with conditions to be adapted to every-day use, but the cases which present themselves in life are too complicated, and our decisions require to be taken too rapidly, to admit of waiting till the existence of a phenomenon can be proved by what have been scientifically ascertained to be universal marks of it. To be indecisive and reluctant to act, because we have not evidence of a perfectly conclusive character to act on, is a defect sometimes incident to scientific minds, but which, wherever it exists, renders them unfit for practical emergencies."¹ Inquiries in the study of argumentation, being largely of the class called moral, dealing as they do with the acts of human beings, must proceed as best they can with imperfect inductions.

In arguing by induction, therefore, we are forced to consider known individual objects or instances of a class as fair specimens of that class with reference to the particular point at issue, and from these known objects or instances to draw a conclusion respecting the whole class. Thus, when a traveler ventures an opinion, based on his own observations, regarding the hospitality of Southerners in general, he reasons inductively. He cannot possibly know all the individuals of the class, but those whom he does know he regards, rightly or wrongly, as fair specimens of the class with reference to the question of hospitality. This kind of imperfect induction we shall call Generalization.

¹ Mill, *A System of Logic*, p. 387. Longmans, Green & Co., 1896.

By such an argument we infer from many individual instances the probable truth of a general proposition; as when, after examining the school systems of many cities, we conclude that adequate authority of school officers and quick public accountability are conducive to efficient administration. Starting with the general principle thus reached by induction, we could infer by deduction that the school system of a particular city would be better managed if the officers were given sufficient power and held immediately responsible for results.

Thus a universal law or statement reached by inductive methods may itself become the ground for deductive reasoning. In argumentation these two processes are everywhere intimately associated. Indeed, the whole field of written and spoken discourse — outside of text-books on logic — reveals few arguments which even appear to be independent deductive or inductive reasoning. The two methods combined are in everyday use, for induction and deduction are complementary factors in one reasoning process. They go hand in hand, the one verifying the conclusions reached by the other. Nevertheless, we may separately examine the typical forms of inductive and deductive reasoning for the purpose of gaining some insight into their sources of weakness and of strength. These typical forms we may call the Argument from Example, and the Argument from Causal Relation. The first broad division, Argument from Example, we shall deal with under two heads: Generalization and Analogy.

FIFTH CHAPTER

PROVING THE PROPOSITION: THE ARGUMENT FROM EXAMPLE

“Example is the school of mankind and they will learn at no other.”
—BURKE.

THE Argument from Example may be considered under two heads: I, Generalization; and II, Analogy.

I. GENERALIZATION

From what we have seen of the nature of an imperfect induction, which we have called a generalization, it is clear that we have before us a problem quite different from that of deduction. The problem arises from the fact that the conclusion of an imperfect induction, as reached by the process of argument, extends beyond the data on which it is based. It makes a jump from the known to the unknown, a leap in the dark. This has been called the inductive hazard. The problem is, how to justify the leap from verified instances to a conclusion which covers instances beyond the pale of our observation and experiment. How are we to know when we can safely bridge the gap?

The safety of a generalization we may test in at least four ways. We may consider whether the relative size of the unobserved part of the class is so small as to justify its inclusion in our assertion regarding the known part. Or, quite aside from the question of number, we may examine the characteristics of the observed members to ascertain whether those members seem to

be fair examples of the class. We may then extend our search beyond the members known or said to fall within the general rule, to see whether any exceptions to the rule can be found. Finally, apart from the question of the number and characteristics of the known and unknown instances, we may try to estimate the degree of probability that such a general law exists. Although these four tests overlap and test each other, and although they are not always distinct in the mind of one who questions a generalization, yet we can profitably consider them one by one.

A First Test of Generalization. — It is a common saying at Harvard College that for many years rainy Class Days have come seven years apart. The general conclusion, drawn from these instances, that every seventh Class Day will be rainy, has caused some apprehension among those most interested in the “fated” days. But the generalization includes, among other points of weakness, the failure to satisfy our first test, for the number of Class Days disregarded is greater than the number of those considered. This raises the question, how many instances will warrant a generalization? Can we prove that all members of the United States Senate are over forty years of age by citing ten, twenty, or even ninety individuals? Clearly not. For such an inference, we are satisfied with nothing short of complete induction. On the other hand, let us examine one diamond, one rectangle, or one falling weight, with scientific accuracy, and we reach a general law from a single instance. We need not multiply examples to determine the specific gravity of all diamonds, the law for the measurement of all rectangles, and the law for the acceleration of speed of all falling bodies.

Any generalization which stakes its claim to validity

on "uncontradicted experience" alone may depend, and usually does depend, on experience which is too narrow to warrant the generalization. The child who believes that all people have enough to eat, that all dogs are gentle, and that all children have nursemaids, reasons from the simple enumeration of the instances of his own "uncontradicted experience."

From these illustrations it is evident that several examples falling under a general proposition, or several supposed instances of the operation of a principle, may not be sufficient for a trustworthy induction. Indeed, no proportion is always sufficient, for a generalization may be discredited by a single instance.

Accordingly, although we should ask, as a first test, whether the relative size of the unobserved part of the class is so small as to warrant the generalization, we cannot always answer the question without the aid of other tests.

A Second Test of Generalization. — The reason why we must consider every member of the Senate, before we can conclude that all senators are over forty years of age, is evident. No members can be selected who are fairly typical of the whole body with respect to the point in question. Another illustration of unwarranted generalization from exceptional instances was furnished by the debater who attempted to draw a sweeping conclusion regarding the beneficence of the tariff from his observations regarding the tariff on shot, barb-wire, and putty. The doubt at once arose how this curious selection of items could fairly represent the whole tariff schedule. Questions like these present the difficulty of finding individual members that embody all those characteristics of the whole class which have anything to do with the disputed principle or general statement.

In the domain of exact sciences, on the other hand, a few specimens, or even a single specimen, may embody all the characteristics of the class which have any bearing on the principle. Diamonds vary greatly in size, shape, value, and brilliancy: but, as these details have nothing to do with the question of specific gravity, we may select a single stone as typical of the whole class with respect to that question. Thus, although isosceles triangles differ infinitely in size and shape, we may deduce from a single specimen various principles which apply to all isosceles triangles; it matters not though their sides extend to the farthest fixed stars, known or unknown. But in such cases, we know that a single specimen is typical only because we have examined many specimens.

Even in more complicated scientific investigations, complete inductions are not considered necessary. The famous scientist Pasteur made many important discoveries by means of generalizations from a few observed instances which, to the best of his keen judgment, were free from exceptional circumstances. In order to find the cause of the blight devastating the silkworms in France, he chose with great care, from moths known to be free from the suspected germs of the disease, thirty healthy worms. He then fed them with mulberry leaves infected with the germs in question, and watched the results. All died. The natural inference from these typical, specific cases was the general conclusion that the suspected germs really did cause the epidemic among all the silkworms of France. The conclusion would have been untrustworthy, if Pasteur had attempted to generalize from specimens already infected with any fatal disease, or in other ways unfair with respect to the object of his experiments.

We should always test the members upon which a generalization is based to determine whether they are fair specimens of the class.

A Third Test of Generalization. — The tendency of the untrained thinker is to conclude that a proposition which is true of all cases he happens to know is true of all possible cases. Accordingly, he generalizes from his limited experience, or accepts the scanty generalizations of other people, unless conflicting instances are thrust upon his attention. The careless reasoner says, "Such and such a fact is true of this member of a class; it is true of this other member of the class; I have observed no member of the class of which it is not true; therefore it is true of the whole class." The error is due to the non-observation of instances which make against the generalization. The habit of seeking exceptions is a mark of the scientific mind. The observation of the untrained mind is purely passive: it accepts the facts which present themselves, without taking the trouble to search for more: the trained mind tries to determine what facts are needed for a sure conclusion, and then looks out for these facts.

As we observed in our discussion of prejudiced testimony, our vision is somewhat distorted by our desires. When we are seeking to establish a principle, verifying instances shine with a deceptive lustre which blinds us to exceptions. It is a trite observation that we find in life what we look for. A man may glance at every periodical on the news-stand for the sole purpose of finding the *Atlantic Monthly*, and in the end not have a definite idea in his head as to what other magazines he saw. He knows merely that they were not what he was looking for. Well aware as we are of this trait of the mind, we should take definite means to safeguard our generali-

zations against exceptions. If the nature of the case permits such thorough investigation, we should be able to supplement our conclusions at least by negative evidence; that is, by proving the probability that, if exceptions existed, we should have found them.

The habit of seeking exceptions to a rule is a staunch protection against hasty generalization, not only because of the natural tendency to overlook contradictory evidence, but also because the commonplace "exceptions" may really be far more numerous than the conspicuous cases employed as proof. Much of the every-day reasoning regarding the value of a college education proceeds by exaggerating unusual instances and ignoring instances which make against the conclusion. A man observes a number of college graduates who fail in business; he concludes that a college training unfits men for practical affairs. College graduates who succeed in life, as the world reckons success, provoke little argument on the subject; they are expected to succeed. But a few graduates, who with all their education can do no creditable work, furnish the meagre data from which many people draw the generalization that a college education does not pay. In like manner the industrious, upright students, who form a large majority of every college, play no part in the inductive reasoning of those people who judge all college students by the few unworthy ones who make themselves disagreeably conspicuous. Women who travel from town to town posing as mind-readers gain their reputation largely from the fact that any guess which proves true is reported widely, whereas most of the failures are ignored by the public. What appears wonderful attracts attention; the rest escapes. So also with fortune-tellers, almanac-makers, and quacks of all kinds. By ignoring the cases in which their predictions

fail, which are uninteresting because so common, we can arrive at wonderful conclusions. Thus it happens everywhere that instances which furnish no basis for generalization because they are fortuitous become for that very reason the main reliance of fallacious reasoners.

In seeking for exceptions to a generalization, we should not lightly overlook the instances on which it is directly based. Sometimes the material for refuting an argument is contained in its own premises. Preconceived ideas and all kinds of prejudices have ever been prolific in fallacies of induction, blinding men to obvious facts, and leading them to believe broad assertions based on the very instances which prove them false. Men long believed that a body twice as heavy as another would fall twice as fast. A single instance, scientifically observed, would have overthrown that preconceived notion; but the notion itself prevented such observation of the millions of instances which daily proved the notion to be erroneous. One of the stock arguments against prohibition of the liquor traffic in Maine has been the following: "The original vote on the prohibitory amendment shows that the cities of Maine did not want prohibition." To expose the fallacy in this hasty generalization, the friends of the law had only to produce the election returns, which showed that only one city in the state voted against the law. The generalization rested on the very facts which proved it false.

The method of discovering exceptions is suggested by the interdependence, already noted, of induction and deduction. Since a deduction must be made from a generalization furnished by induction, the truth of the generalization itself may be tested by deductive reasoning from it. For example, suppose we wish to test Ruskin's statement that none of Shakespeare's

characters is a hero. We may try any one of the characters in a minor premise and find out whether the conclusion logically deduced is true. If the conclusion is not true, we have discovered an exception to the general assertion. Thus —

None of Shakespeare's characters is a hero,
 Romeo is one of Shakespeare's characters,
 ∴ Romeo is not a hero.

In place of Romeo, we may insert, one by one, Cæsar, Hamlet, Kent, and all the rest. When we come to Brutus, we may object to the conclusion that Brutus is not a hero. If so, we have proved that the generalization is unwarranted, according to our definition of a hero. Ordinarily we do not go through all the steps of this formal process in testing a generalization; nevertheless, so far as we examine particular cases, this method in abridged form is precisely the one we must employ.

We should look beyond the members upon which a generalization is based in order to discover possible exceptions.

A Fourth Test of Generalization. — So far we have considered the means of testing inductive reasoning by observation and experiment. But our generalizations are usually unsafe in so far as they depend on experience, for our experience is usually confined to a small part of the class concerning which we seek to discover a universal truth. As we have seen, the appearance of universality may be due to the very limitations of experience, as when a child, who has seen only two dogs, concludes that all dogs have shaggy hair. Uncontradicted experience is insufficient to establish a general truth. How, then, can we finally test a generalization? In those many cases where even the most extensive possible observation and experiment fail to cover the class, how

can we finally justify the leap from the known to the unknown? Not by the mere number of verifying instances, not by their apparently universal characteristics, not by the absence of known exceptions, but by a revealed order of nature beyond the likelihood of chance. The ultimate warrant for a generalization is our belief in the universal laws of causation; nothing happens without sufficient cause; or, in common language, "if it is true, there must be a reason for it." And so, to look for uniformity in the course of nature where uniformity is not to be expected — to hold that every seventh Class Day at Harvard will be rainy — is rightly ridiculed as superstitious. Accordingly, as a final test of an imperfect induction, we try to estimate, by a consideration of underlying causes, the degree of probability that such a general law or statement is true.

Suppose that misfortune has several times followed the appearance of three black cats, that the instances seem fairly typical, and that we have heard of no contradictory instances. Then, without a search for the causal connection, we at once conclude that the two events are regularly associated in the course of nature. We jump to the broad statement that the appearance of three black cats is a sign of bad luck. We have made some pretense of generalizing, — a weak attempt, to be sure, since our induction is based on "simple enumeration," — but still an attempt. It illustrates the typical fault of inductive reasoning, — hasty generalization from insufficient data without even a probable causal connection.

The outrageous advertisements of cheap family papers which still flood the mails are veritable encyclopedias of unwarranted generalization. In proof that Professor Fakir's lucky box will bring good fortune to

all men, a dozen testimonials are presented; and the reader, unless he has tried the charm, finds no exception to disprove the rule. In proof that Madam Fakir possesses occult powers, the remarkable assertion is made that she is the seventh daughter of a seventh daughter! In proof that the Genuine Fakir Balsam will cure all men of all maladies, a reward of a hundred dollars is offered for a single case of failure! To such amazing generalities, expressed or implied, the ignorant and the grossly superstitious apply no tests at all; and on their money the Fakir business thrives. The rest of us escape by instinctively asking how such things can be. The demand on our credulity is so great that we need not even examine the alleged cases; it is enough that we cannot conceive the possibility that such general laws exist.

Generalizations range all the way from the mistakes of children, plainly caused by the limitations of experience, to the scientific generalizations at the other end of the scale, such as the law for falling bodies. Our generalizations go through this progression: at the outset they are based on the simple enumeration of a few chance observations, and at the end they are explained, to a greater or less extent, by the relation of cause and effect. Toward the lower end of the scale we must place most of our generalizations about the weather, about national characteristics, and about the fluctuations in the money market. Such generalizations owe little to our perception of causal relations. And yet they are gradually approaching the scientific end of the scale. We have lately acquired some knowledge of the causes of epidemics which formerly seemed capricious. As our generalizations thus become explained by causal theory, they are narrowed and safeguarded against error. When

we ask *why* the black cats and misfortune have appeared in succession, when we attempt to fix the links of causation between the two events, we are in a fair way to reveal the absurdity of the idea.

In testing our generalizations, we should endeavor to place them near the scientific end of the scale by discovering the underlying relations of cause and effect.¹

SUMMARY OF THE TESTS OF GENERALIZATION

1. Is the relative size of the unobserved part of the class so small as to warrant the generalization?
2. Are the members observed fair examples of the class?
3. Are we reasonably sure that there are no exceptions?
4. Is it highly probable that such a general rule or statement is true?

II. ANALOGY

“In the argument from analogy the ground of inference is the resemblance between two individual objects in a certain number of points; and the inference is that they resemble one another in some other point, known to belong to the one, but not known to belong to the other.”² In other words, we infer by analogy that a

¹ This subject is well treated in Alfred Sidgwick's *The Process of Argument*.

² This definition is from Minto (*Logic: Inductive and Deductive*, p. 368). Professor Baker, on the other hand, agrees with Whately in confining the term *analogy* to resemblances “not so much in the things themselves as in the relations in which the things stand to other things.” “Thus an egg and a seed are not in themselves alike, but bear a like relation to the parent bird and to her young nestling, on the one hand, and to the old and young plant on the other, respectively.” Professor Genung regards an argument from analogy as one

certain fact, known to be true of A, is more likely to be true of B if B resembles A in essential properties, than if B were not known to resemble anything of which the certain fact is true. An argument from analogy is, therefore, that kind of argument from example which steps from one particular case to another particular case. It does not amount to a complete or even attempted generalization.

For example, sodium and potassium are included in the same group, called alkaline metals, because of their common characteristics: both combine with oxygen to decompose water at all temperatures; their carbonates are soluble in water; and each metal forms only one chloride. Now, if chemists discovered a new property of one of these metals, they might infer by analogy that the other metal had the same property. Or, to take another example, we observe that one college student, of good health and fair ability, indulges in repeated dissipation. Finally, his health breaks down, he fails to pass his examinations, and he is dropped from college. We argue from analogy that another student, of equal health and ability, who makes the same mistakes, will

which takes "relations that exist in one sphere of life or experience, as indications of what may be regarded as true of another sphere whose relations are similar." But whether the argument is based on similarity between objects in the same sphere of life or in different spheres of life, and whether the argument is based on similarity in the objects or in relations, the force of the argument depends on precisely the same conditions; we should apply the same tests, and expose its insufficiency by the same methods. For practical purposes, therefore, the distinctions would hardly be worth insisting upon, even if there were any agreement among writers. In this chapter, the term *Argument from Analogy* is used in the wider sense to include all arguments from example which do not amount to an induction, that is to say, all arguments from resemblance in which the operating principle is suppressed. Any one who prefers the term *Argument from Resemblance* for the whole class, with the *Argument from Analogy* as a sub-class, can readily make the distinction.

make the same failure of his college life. In short, we base an argument from analogy on a preponderating resemblance between two individuals or classes, which is sufficient, we believe, to warrant us in inferring that the resemblance in known particulars extends to unknown particulars.

Lincoln used the argument from analogy with notable effect. To those who urged a change of commanders in the middle of the Civil War, he replied that he thought it poor policy to swap horses while crossing a stream. Similarly, he reasoned with those who complained that the war was moving too slowly: —

Gentlemen, I want you to suppose a case for a moment. Suppose that all the property you were worth was in gold, and you had put it in the hands of Blondin, the famous rope-walker, to carry across the Niagara Falls on a tight rope. Would you shake the rope while he was passing over it, or keep shouting to him, "Blondin, stoop a little more! Go a little faster!" No, I am sure you would not. You would hold your breath as well as your tongue, and keep your hand off until he was safely over. Now, the government is in the same situation. It is carrying an immense weight across a stormy ocean. Untold treasures are in its hands. It is doing the best it can. Don't badger it! Just keep still, and it will get you safely over.

The germ theory of epidemic diseases was first suggested by analogy. Professor Tyndall said that its particular force consisted "in the perfect parallelism of the phenomena of contagious disease with those of life. As a planted acorn gives birth to an oak competent to produce a whole crop of acorns, each gifted with the power of reproducing the parent tree, and as thus from a single seedling a whole forest may spring, so, it is contended, these epidemic diseases literally plant their seeds, grow,

and shake abroad new germs, which, meeting in the human body their proper food and temperature, finally take possession of whole populations.”¹

An illustration of untrustworthy analogy is furnished by the argument from the success of the Suez Canal to the probable success of the Panama Canal. People wanted to know whether Panama Canal shares would turn out to be a good investment. But the construction of great ship canals is so rare an event as to offer no generalization concerning their probable success. Only a single example was available. From this, investors argued that since the Panama Canal resembled the Suez Canal in several particulars, — among others in being planned by the engineer DeLesseps, — and since the Suez Canal was a success, therefore the Panama Canal would be a success. Thus an untrustworthy analogy led to the loss of many millions.

An argument from analogy may create an exceedingly high degree of probability, but never conclusive proof. At best, analogy is only a makeshift for complete induction — for scientific generalization. And yet human affairs are so pressing and so complicated that sometimes men cannot wait until the process of induction has provided even an imperfect generalization. Since, then, the argument from analogy is precarious, and yet often the best to be had at a given time, we shall do well to study and apply the tests of its soundness.

A First Test of the Argument from Analogy. — The loose axiom of formal logic, “Whatever is true of a thing is true of its like,” begs the whole difficulty. Before we can accept so loose a principle for the purpose of guiding our conduct, we must ask what sort of likeness is sufficient. The method of analogy becomes a cogent process

¹ Jevons, *Principles of Science*, vol. i, p. 224.

in argument only when we rightly estimate the importance of likenesses and differences. To use the argument from analogy, therefore, we must show that the cases agree in *essential* particulars.

An agreement or difference is essential when it is sufficiently important for the purpose at hand; it has significance only with reference to some particular argument from analogy. The importance varies, therefore, with the purpose. What would be an essential difference between two tariff policies with reference to one question might be safely neglected as irrelevant on another question. Two financial panics are essentially *similar* when their differences may be ignored for the purpose of drawing conclusions as to a monetary policy. Two child-labor laws are essentially *different* when their likenesses may be ignored for the purpose of drawing conclusions as to the possibility of enforcing such laws. Thus it appears that likenesses and differences are significant only with reference to the question at issue; they may be disregarded only when they are shown to be irrelevant. The first task, then, in the argument from analogy is to differentiate the essential from the irrelevant details of comparison and contrast.

Burke applied this test to his arguments from analogy in the case of the trouble between England and her American colonies, to show that the policy of the mother country should be conciliation through granting the colonies representation in Parliament. He said: "Sir, I am sure that I shall not be misled when, in a case of constitutional difficulty, I consult the genius of the English Constitution. Consulting at that oracle — it was with all due humility and piety — I found four capital examples in a similar case before me: those of Ireland, Wales, Chester, and Durham." Then, after presenting

these four arguments from analogy, he took great care to show that the analogy was sound in essential particulars: —

Now if the doctrines of policy contained in these preambles, and the force of these examples in the Acts of Parliament, avail anything, *what can be said against applying them with regard to America?* Are not the people of America as much Englishmen as the Welsh? The preamble of the Act of Henry the Eighth says the Welsh speak a language no way resembling that of his Majesty's English subjects. Are the Americans not as numerous? If we may trust the learned and accurate Judge Barrington's account of North Wales, and take that as a standard to measure the rest, there is no comparison. The people cannot amount to above 200,000; not a tenth part of the number in the colonies. Is America in rebellion? Wales was hardly ever free from it. Have you attempted to govern America by penal statutes? You made fifteen for Wales. But your legislative authority is perfect with regard to America. Was it less perfect in Wales, Chester, and Durham? But America is virtually represented. What! does the electric force of virtual representation more easily pass over the Atlantic than pervade Wales, which lies in your neighborhood — or than Chester and Durham, surrounded by abundance of representation that is actual and palpable? But, Sir, your ancestors thought this sort of virtual representation, however ample, to be totally insufficient for the freedom of the inhabitants of territories that are so near, and comparatively so inconsiderable. How then can I think it sufficient for those which are infinitely greater, and infinitely more remote?

What we mean by an essential point of difference is well illustrated by a remarkable case of protective mimicry. The monarch butterfly and the viceroy butterfly look almost exactly alike. But the numerous and striking similarities in color and marking and form do not render the two species analogous from the viewpoint of the spider. The monarch, being poisonous, is

not good to eat. For the purposes of the spider, therefore, the two species are essentially different.

In a debate on the question whether state boards of arbitration similar to the Massachusetts board should be established in certain states, one speaker opposed the plan by pointing to the failures of arbitration boards in Iowa and Kansas. But the next speaker proved this to be a false analogy by showing that the Iowa and Kansas boards lacked certain powers which were *essential* features of the Massachusetts board: "the power to compel the attendance of witnesses, the power to compel the submission of books, documents, and other relevant testimony, and the power to call upon mayors and other local officers to furnish, as soon as possible, information concerning labor troubles." As these were among the features on which the success of the proposed boards of arbitration depended, the contention against the proposition, based on the failures of boards which lacked those essential powers, was rightly regarded as failing to satisfy this first test of the argument from analogy, namely, **Are the details of comparison and contrast essential to the question at issue?**

A Second Test of the Argument from Analogy.—In the argument from analogy we weigh details rather than count them. What constitutes weight we have just considered; we shall now consider the weighing. Before drawing any inference from the similarity of objects, we must show that the points of likeness outweigh the points of difference. Before drawing any inference from the dissimilarity of objects, we must show that the points of difference outweigh the points of likeness. No number of irrelevant details of comparison or of contrast can tip the beam.

Consider, for example, the question whether the kind of religious instruction which is successful in private schools would be successful in public schools. Now the points of likeness between private schools and public schools are numerous; but the many points of likeness may be ignored in this question because they are far outweighed by the few points of difference. We may take an extreme example from politics. During the presidential campaign of 1896, which the Democrats lost on the issue of bimetallism, a pamphlet was circulated which tried to prove the value of bimetallism by an analogy with the human body. Man has two eyes to see with (so ran the argument), two ears to hear with, two legs to walk with, two lungs to breathe with, and so it is clear that Divine authority meant that man should have two metals in his currency. The many points of likeness in this argument were not imposing, because even the untrained minds of many voters perceived that these irrelevant details of likeness were far outweighed by the relevant details of difference.

Some analogies are so exact in a few weighty details, and apparently so far beyond the realm of accident, that from them conclusions may safely be drawn for practical purposes. Relying on the strength of arguments from analogy to insure legal redress in case of a violation of copyright, the publishers of city directories commonly invent and insert bogus names and addresses. A publisher who fraudulently uses such a directory in preparing a new one is detected by the fact that he copies the invented names as well as the real ones. And, as a matter of fact, a new directory for the city of Boston was recently condemned by law because its striking similarity to an older directory, compiled by another publisher, could be accounted for only by the supposi-

tion of fraud. The fact that the new list contained many genuine names and addresses also found in the old list was of no weight; the fact that the new list varied from the old list in many respects was also of no weight; but the fact that the new list contained those bogus names which could be secured from only one source was a point of similarity sufficient to outweigh all other points both of likeness and of difference, and thus to settle a case at law.

In the following case, the many points of resemblance are of no importance compared with the one great point of difference:—

It would be admitted that a great and permanent diminution in the quantity of some useful commodity, such as corn, or coal, or iron, throughout the world, would be a serious and lasting loss; and again, that if the fields and coal-mines yielded regularly double quantities, with the same labor, we should be so much the richer; hence it might be inferred, that if the quantity of gold and silver in the world were diminished one half, or were doubled, like results would follow; the utility of these metals, for the purposes of coin, being very great. Now there are many points of resemblance, and many of difference, between the precious metals on the one hand, and corn, coal, etc., on the other; but the *important* circumstance to the supposed argument is, that the *utility* of gold and silver (as coin, which is far the chief) *depends on their value*, which is regulated by their scarcity; or, rather, to speak strictly, by the difficulty of obtaining them; whereas, if corn and coal were ten times more abundant (i. e. more easily obtained), a bushel of either would still be as useful as now. But if it were twice as easy to procure gold as it is, a sovereign would be twice as large; if only half as easy, it would be of the size of a half-sovereign: and this (besides the trifling circumstance of the cheapness or dearness of gold ornaments) would be all the difference. The analogy, therefore, fails in the point essential to the argument.¹

¹ Whately, *Elements of Rhetoric*, p. 118.

If we make an inference from analogy that is inconsistent with known facts, the analogy is at once discredited. For example, if a chemist infers by analogy that a substance possesses a certain property, and then finds that this property is incompatible with a known property of the substance, he at once discards the idea suggested by analogy. Another good illustration deals with the question of the possibility of life on the moon. The many points of resemblance between the moon and the earth suggest the idea that the moon is inhabited; but the fact that the moon has no atmosphere, without which life is impossible, at once discredits this argument from analogy. Its conclusion is inconsistent with a known fact.

In this connection we may well recall all that we have said under "A Third Test of Generalization" concerning the natural tendency of the mind to minimize or entirely overlook facts that tend to refute a desired conclusion. The desire to make an analogy hold good acts like a blinder; we have special difficulty in seeing what we do not want to see. For this reason our search for facts which are inconsistent with conclusions reached by analogy should be aggressive rather than passive or reluctant. Especially is this true of those analogies which we ourselves wish to employ as proof; the danger of overlooking the beam in the eye of our brother's analogy is not so great.

After determining the weight of each point of comparison or of contrast, by considering whether it is essential to the point at issue, we should ask whether the points of similarity are outweighed by points of difference.

A Third Test of the Argument from Analogy.—The tentative conclusions, which analogy suggests as possible

or probable truths, may be tested by other methods. Thus an analogy, if we suspect its insufficiency, may stimulate and direct the search for generalizations and causal explanations. This search may either justify the analogy or reveal its weakness.

Thus, by the aid of the argument from analogy, Lockyer made important discoveries regarding the composition of the sun. He observed that most of the elements found in the sun formed stable compounds with oxygen. He inferred that other elements, known to have the same property, would be likely to exist in the sun. To this point he proceeded by analogy. He then used other methods to verify the conclusion thus suggested by analogy, and in this way actually discovered five of the metals which the analogy prompted him to look for.¹

The first suggestion which led Harvey to discover the circulation of the blood came through observed analogy. He learned from his master that the valves in many veins lie open as long as the blood flows through them toward the heart, and no longer. He thought of the many analogous mechanical contrivances, such as animal traps and tide-water gates, which have similar valves adapted to definite ends. This suggested the question what similar end might be served by the valves in the veins. But this suggestion was for Harvey merely a starting-point; he proceeded to test the analogy by careful experimentation. He tied arteries and veins and observed the effects on the flow of blood. For nineteen years he kept up this observation and study, until he had traced to his own satisfaction the entire course of the blood through the human body. Thus he verified a theory first suggested by analogy.²

¹ Jevons, *Principles of Science*, p. 676.

² This example is quoted by J. G. Hibben in a suggestive chapter

In this way various kinds of argument may work together, each producing a new probability of the truth or falsehood of the proposition. But analogy alone should never be regarded as producing more than one element of probability, even in cases seemingly most conclusive. By the cumulation of probabilities we arrive at moral certainty, though never absolute certainty, on debatable questions.

We should therefore test the conclusions suggested by arguments from analogy to determine whether they are verified or discredited by other kinds of argument.

A Fourth Test of the Argument from Analogy.—The most cogent kind of argument from analogy¹ proves that what is known to be true of the analogous case is even more likely to be true of the case in question. This kind of argument is used in economics and government to show that a principle known to apply to one community or state applies with even greater force to the community or state under discussion. Thus Burke reasoned in the argument quoted above (p. 114). Other good examples are found in the Bible, such as, "Wherefore, if God so clothe the grass of the field, which to-day is, and to-morrow is cast into the oven, shall he not much more clothe you, O ye of little faith?"

Several illustrations of this kind of argument will be found in the debate on the Congo Free State question,² among them the following:—

Now we rely for our evidence (in proof of the inhuman treatment of natives in the Congo) mainly on the report of the

on Analogy. *Logic, Deductive and Inductive*, chapter xiii. Charles Scribner's Sons, 1905.

¹ Called the argument *a fortiori*.

² See the debate beginning page 428.

King's Commission. Let me call your attention to the fact that my opponent admits the validity of this report. His chief objection to it is that it covers only about a quarter of the territory in question. That is true. But bear in mind that the other three quarters of the state is entirely closed to the world. The Commission covered that part of the territory which is in closest touch with civilization. Yet the rubber collection is carried on throughout the whole state. If this collection is attended by such horrors as I have shown in that part closest to civilization, what must be the condition in that section into which civilization has not entered!

We should test all arguments from analogy to find, if possible, reasons why the facts known to be true of the analogous cases are more likely or less likely to be true of the cases in question.

A Fifth Test of the Argument from Analogy. — So far the aim of our tests has been to determine to what extent the alleged points of similarity or difference in parallel cases justify the inference by analogy. In other words, we have so far tested only the validity of the reasoning process. But we may object to an argument from analogy on quite another ground, namely, by questioning the facts alleged to be true either of the example or of the case under dispute.

We may take an illustration from the daily press. A Baltimore newspaper, in an attempt to prove that military drill should be compulsory for boys in the public high schools of that city, cited the experience of Boston as an example. The argument ran somewhat like this: Boston and Baltimore resemble each other closely in all the features which bear essentially on the question; therefore, since military drill has been successful in Boston high schools, it would prove successful in Baltimore high schools. The inference in this argument from

analogy appears to have no glaring defects ; it stands all the tests. But the alleged facts may well be questioned. Has military drill really been a success in the schools of Boston ? This test of the facts, rather than the tests of the reasoning process, would be most likely to reveal the weakness of the argument.

A man would be arguing from analogy who attempted to prove that the United States Government should own and control the railroads because of its success with the postal system. An opponent might discredit this analogy by showing that the government had not been reasonably economical and effective in its management of the postal system, as shown by the less expensive and more convenient parcels-post systems of other countries. This would be adducing an argument from analogy to disprove a premise of another argument from analogy.

Debaters sometimes seek to divert attention from the fatal flaws in their arguments by devoting much time to those possible objections which they are prepared to meet. Thus, in using an argument from analogy, they take great pains to prove the two cases analogous, while they assume, without proof, the truth of the alleged facts on which the analogy is based. Any one who is aware of the chief sources of error in each kind of argument will be on his guard against such misleading devices of tricky opponents.

We should test all arguments from analogy to determine whether the alleged facts are true.

If we can verify an argument from analogy by the application of all of these tests, so much the better. On

the other hand, if an analogy fails to satisfy several of these tests, the proof of its worthlessness may be all the more convincing. Some of the examples given above are evidently open to objection on more than one ground.

SUMMARY OF THE TESTS OF THE ARGUMENT FROM ANALOGY

1. Are the details of comparison and contrast essential to the question at issue?
2. Do the points of likeness outweigh the points of difference?
3. Is the conclusion reached by analogy verified or discredited by other kinds of proof?
4. Is the fact known to be true of the analogous case even more likely to be true of the case in question?
5. Are the alleged facts on which the analogy is based really true?

SIXTH CHAPTER

PROVING THE PROPOSITION: ARGUMENT FROM CAUSAL RELATION

“Our belief in what we call the evidence of our senses is less strong than our faith that in the orderly sequence of events there is a meaning which our minds could fathom were they only vast enough.” — JOHN FISKE.

WE have examined the classification of all argument into inductive and deductive argument as the basis of the science of logic, and as a means whereby to test the validity of simple reasoning processes. We have seen, further, that inductive reasoning in practical affairs takes the form of the Argument from Example — either as Generalization or as Analogy — and is often the best to be had. As the ultimate justification of all such Arguments, however, we have looked to underlying causal relations. As no reasoning — not even a generalization which satisfies all other tests — can commend itself except on the assumption that a causal relation exists, we may derive considerable help in our own reasoning by studying arguments which direct attention to causal connections. All such arguments proceed from effect to cause, from cause to effect, or from effect to effect. All rest on the universal belief in causation: nothing happens without sufficient cause.

As every inference is a step from what we start with to what the inference teaches, the argument from effect to cause and the argument from cause to effect are both processes of reasoning from the known to the unknown.

The difference is that one process argues from a known effect to an unknown cause, whereas the other argues from a known cause to an unknown effect. If we start with an observed act of a human being and attempt to find a motive for that act, we argue from effect to cause. If we start with a known motive and attempt to prove that it will result in a certain act, we argue from cause to effect. The argument from effect to cause, therefore, is based on matters *after* the disputed fact, whereas the argument from cause to effect is based on matters *before* the disputed fact.

I. ARGUMENT FROM EFFECT TO CAUSE

The argument from effect to cause attempts to prove that a given cause operates or has operated by pointing to an observed effect which could be due to no other cause. This kind of argument is from a *known* effect to its *supposed* cause, as when we hold that the observed movements of a heavenly body can be accounted for only by the supposition that a planet yet undiscovered is operating as cause. In like manner we try to prove that an event happened by pointing out phenomena likely to have been produced by that event, in case it actually did happen. Coming suddenly upon a clearing in the woods beside an inviting spring, we find a bed of boughs and the ashes from a small fire. We conclude that somebody has camped there. We argue from what comes after to what we believe must have gone before.¹ We go back to a period of time before an observed act and select from antecedent circumstances, known and inferred, those which have a probable causal connection with the observed act.

¹ This is called a *posteriori* reasoning, the term meaning "from what comes after."

To be trustworthy, the argument from effect to cause must satisfy three tests. It must establish these facts: (1) a reasonable probability that no other cause could have produced the known effect; (2) that the assumed cause was sufficient to produce the effect; (3) that the operation of the assumed cause was not prevented by other forces.

A First Test of the Argument from Effect to Cause. — The strength of the argument depends first on the degree of certainty with which the cause is established. If only a possible cause is found, the argument is weak. Even when a probable cause is found, the argument is still inconclusive. We must endeavor to make sure that no other cause could have produced the effect. The great difficulty with all arguments from effect to cause is in establishing so sweeping a negative proposition, — namely, that no other cause but the one in question could possibly have produced the effect. A man is found dead, washed ashore by the tide; the natural supposition that the man met death by drowning singles out only one of several possible causes; he may have been shot or poisoned. Imagine a merchant attempting to find the cause of his gain in trade. Suppose he satisfied himself that the cause was advertising. Then what form of advertising? Newspapers? If so, what newspapers? Was it street-car cards? If so, general or special cards? The fact that every debatable question thus stretches out in many directions complicates the problem of finding the exact cause of a known effect.

This difficulty in establishing a single cause for observed effects confronts the campaign speaker who tries to prove that prosperity, as shown by the increase in savings-bank deposits, foreign trade, and wages, is all due to the tariff, or to the administration of a particular

political party. Another party can usually find other causes of prosperity which seem to many people quite as potent. The advocate of prohibition of the liquor traffic evades the difficulty of his argument from effect to cause when he shows merely that the savings-bank deposits have fallen off during a period of license. He must show that the decline is due wholly or mainly to the license system; otherwise an opponent may demolish the argument by presenting other causes which seem more probable. A student argues that his sickness is due to over-study when it may be due to over-eating. The weakness of an invalid argument from effect to cause may be shown by establishing another and more probable cause.

Usually there are many links of causation. To attribute the decline in American shipping to the fact that the industry no longer offers profitable investment for capital is to take only one short step toward the fundamental cause. We have still to consider a multiplicity of economic relations which show *why* such investments are no longer profitable. The registration statistics of our universities show a steady increase in the number of men and women engaged in the professional study of Education. What are the causes? A secondary cause is that an increasingly large number of states and cities are requiring the study of educational history and theory as a part of the professional training of teachers. A primary cause is the recognition of Education as an organized endeavor to accomplish definite ends rather than as a mere routine.

Superficial reasoning reaches nothing but secondary causes. Thus the ticking of a clock may be the secondary cause of sleeplessness, while the very fact that the clock tick keeps the person awake indicates a sensitive

organism which is the primary underlying cause. When a child has discovered that the wheels of a watch make the hands go, he has still to inquire what makes the wheels go. Scientists were not satisfied with the explanation that the world rests on the shoulders of Atlas and that Atlas stands on a tortoise. They sought for the support of the tortoise.

In the affairs of every-day life people are usually satisfied with removing the mystery of cause one or two steps, but the deep reasoner endeavors to make the whole journey from an observed effect to its fundamental cause. He tests his own arguments and those of his adversaries with thoroughness to see whether the probing has been deep enough to uncover the underlying causes. Strictly speaking, to find the fundamental cause is impossible. The best one can do is to find that cause which for his immediate purpose is most important. Here again he meets the necessity in argumentation for considering the attendant circumstances. For example, suppose Mary Ann's bread does not rise. What is the cause? One may say it is the ignorance of the cook. Or, taking another step, he may say that the bread failed to rise because the yeast was overheated. If trial proves that he is right; if by lowering the temperature of the yeast, Mary Ann makes good bread in the future, he has gone deep enough into the causes for immediate purposes. The scientist, however, would go deeper, striving to determine the effects of varying temperature on the yeast germs. For his purposes, the ignorance of the cook would be a superficial causal explanation of the failure of the bread to rise.

A Second Test of the Argument from Effect to Cause.
—It is not sufficient to demonstrate the probability that no other cause could have produced the effect in

question; we should show, in the second place, that the cause which we present as the sole cause is sufficient to produce the effect.

Many of the trite maxims for human conduct, such as "Perseverance is the secret of success," ignore the fact that no one cause is sufficient to produce what the world calls success. This is an every-day fallacy, influencing human conduct widely. One man works hard and accumulates a fortune; and lo, in the popular mind, hard work alone is responsible for the fortune, while the hundreds of cases on every hand in which hard work alone is an insufficient cause to produce that effect are ignored. We may differ from John Burroughs when he says, "There is no waste material in a good proverb; it is clear meat, like an egg, — a happy result of logic, with the logic left out." That is precisely the trouble. With the logic left out, a proverb is usually only a half-truth. If we regard it as entirely true, without qualification, we must take our chances whether in a given instance it will lead us or mislead us. We should be alert to discover the necessary qualifications. Early to bed and early to rise — together with a sufficient number of auxiliary causes — will make a man healthy, wealthy, and wise. Thus it is clear that we fail in the argument from effect to cause, not only by mistaking the cause of a known effect, but as well by regarding an insufficient cause as sufficient.

These dangers are less when a number of effects can be found all pointing toward the same cause. A number of observed effects upon the movements of heavenly bodies, caused apparently by the gravitation of an unknown planet, together with inductive reasoning from the general law for planets known as the Newtonian theory, led astronomers to believe that in

a certain place in the heavens there must be a planet yet undiscovered by man. To that place they directed more powerful telescopes. Thus, in 1845, they discovered the planet Neptune, and verified the conclusion of their argument from effects to cause.

Upon every person who uses an argument from effect to cause is the burden of proving that the alleged cause is sufficient to produce the effect.

A Third Test of the Argument from Effect to Cause. — Finally, although we may make sure that the single assumed cause, if unhindered, is sufficient to produce the effect, we must make sure that the operation of the cause is not prevented by other forces.

Burke asserted that the first cause of the quarrel with the colonies was taxation and not, as others said, the trade laws. To determine which of the two was the radical cause, he suggested two tests. First, he asked whether the commercial dispute did, in order of time, precede the dispute on taxation? As a matter of fact, it followed the dispute on taxation, and consequently could not have been the original cause of the quarrel. Next, he suggested a means of applying all of the three tests that we have considered, namely, by removing the alleged cause and ascertaining whether the effect disappeared at the same time. "To enable us to judge," he said, "whether at this moment a dislike to the trade laws be the real cause of quarrel, it is absolutely necessary to put the taxes out of the question by a repeal. See how the Americans act in this position, and then you will be able to discern correctly what is the true object of the controversy, or whether any controversy at all will remain. Unless you consent to remove this cause of difference, it is impossible, with decency, to assert that the dispute is not upon what it is avowed to be."

If the removal of an assumed cause is followed at once by the disappearance of the observed effect, we have strong presumptive evidence that no other cause produced the effect, that the assumed cause was sufficient to produce the effect, and that its operation was not prevented by other forces.

SUMMARY OF THE TESTS OF THE ARGUMENT FROM EFFECT TO CAUSE

The three questions whereby we may test the validity of an argument from effect to cause are as follows:—

1. Could any other cause have produced the observed effect?
2. Is the assumed cause sufficient to produce the observed effect?
3. Was the operation of the assumed cause prevented by any other forces?

II. ARGUMENT FROM CAUSE TO EFFECT

The argument from known cause to unknown effect, as we have said, is based on matters *before* the disputed fact. Thus, to attempt to show that a happening is probable or possible, for the reason that there are known antecedent circumstances sufficient to bring about that happening, is to argue from cause to effect. We may argue thus from the past to a less remote past, from the past to the present, from the past to the future, from the present to the future, or from the future to the more remote future. In every case we argue from the known events of one time to the unknown events of a subsequent time.¹

¹ Professor Sidgwick asserts that the only conceivable aim of any kind of knowledge, whether common or scientific, is this power of

This kind of argument is common in criminal trials. We instinctively ask whether the motive of the accused man was sufficient to prompt him to commit the crime. In arguing from the motive to the crime, we argue from a cause known to be operative to an alleged effect of that cause. As an illustration, let us suppose the question at issue is whether A destroyed his father's will. If the will disinherited A, and named a bitter enemy of A as the legatee of the whole estate, there appears to be sufficient reason for A to desire the destruction of the will. If we use this motive in an attempt to prove that A is guilty, we argue from a known cause to an effect under dispute. Lawyers in criminal trials frequently attempt to carry the minds of the jury back to the events just preceding the crime, in order to show causes then operative tending to prompt the prisoner at the bar to commit the crime of which he is accused.

A First Test of the Argument from Cause to Effect. — If an *adequate* cause is shown to exist in a given case, the effect which usually follows that cause may reasonably be expected to follow in the case in question. Thus when a doctor finds the symptoms of diphtheria in a patient, he predicts the course of the disease from day to day. When he administers anti-toxin, he foretells the effects. He reasons from cause to effect, from the known events of one time to the unknown events of a later time. In any such argument, **one must consider, first of all, whether the cause is adequate to produce the alleged effect.**

dealing with concrete facts through wisdom before the event, — the power of prediction from causes to effects.

This is called *a priori* reasoning, and is the usual form of what is sometimes called "argument from antecedent probability." The use of the latter term is so much confused that we have thought best to get along without it; though the argument itself is illustrated under various topics.

A Second Test of the Argument from Cause to Effect.

— The chemist, in order to determine the effect of a given cause, separates the experiment in the laboratory from every possible cause but one, and his conclusion has scientific accuracy. But the great multitude of questions with which argumentation deals cannot be thus isolated; they are complicated, as we have seen above, by attendant circumstances.

It sometimes happens that with perfect sanitary conditions a contagious disease will appear, that has always been regarded, and that correctly, as due to imperfect sanitation; or, an entire disregard of sanitary requirements and of all the laws of health may yet give rise to no disease of special moment. Certain conditions of temperature, atmospheric pressure, velocity, and direction of the wind, may one day bring storm and rain, and as far as observation can detect, similar conditions may again bring fair weather. So, also, the rise and fall in stock and money markets is extremely susceptible to the varying conditions of indefinitely complex forces wholly beyond all powers of determination or of prediction. . . . In such phenomena as these the problem is not simply to find a causal connection. The causal connection may be established beyond all reasonable doubt, and yet the cause obtains in the midst of so complex a setting that the problem is really this, to determine whether a cause, whose exact nature may be known or unknown, will prove operative or inoperative. The cause may be always present, and even its exact nature may be known, and yet the complex circumstances attending it may be of such a character that one alone, or two or more combining, may neutralize the operation of the cause, and on the other hand a slight variation of the combined circumstances may promote and even accelerate the operation of the cause in question.¹

¹ J. G. Hibben, *Logic, Deductive and Inductive*. Charles Scribner's Sons, New York, 1905.

We should always ask whether there are other causes sufficient to prevent the known cause from producing the effect in question.

A Third Test of the Argument from Cause to Effect. — The argument from cause to effect is evidently inconclusive. It can prepare the way for other arguments by creating presumptions, but it can do no more. All attempts to prove the probability that an event happened or will happen by setting forth a seemingly sufficient cause are rendered futile by any positive evidence showing that the event did not happen or does not happen. No amount of proof that A desired the destruction of his father's will can prove A guilty in the face of evidence that the will has not been destroyed. During the fall of 1907 there appeared to be every cause of "good times" throughout the United States. In addition to all the circumstances which had made the previous years highly prosperous, there was the assurance of good crops. Many argued that the effect must be confidence in the money market and stimulation of industry. But this argument concerning what must happen fell down before the facts concerning what did happen, and gave little consolation to the stockholders who lost their securities and to the workmen who lost their positions. Many men maintained that the Latin classes in Boston high schools would dwindle under the elective system, a system which seemed to them sufficient to cause such a decline. But this argument was not sustained by subsequent facts. Equally liable to error are the presumptions, furnished by the argument from cause to effect, that a given event cannot happen. A lawyer, upon visiting his client in prison and hearing the facts of the case, exclaimed, "Why, they can't put you in prison for that!" "But here I am," replied the client.

Any reasoning as to the probable existence or non-existence of causes sufficient to produce a given effect is at once discredited by proof of the existence or non-existence of the effect.

SUMMARY OF THE TESTS OF THE ARGUMENT FROM CAUSE TO EFFECT

The questions whereby we may test the validity of an argument from cause to effect are naturally similar to the tests of an argument from effect to cause: —

1. Is the known cause adequate to produce the effect in question?
2. Are there other causes sufficient to prevent the known cause from producing the effect in question?
3. Is there any positive evidence tending to verify or refute the presumptions furnished by the argument from cause to effect?

III. ARGUMENT FROM EFFECT TO EFFECT

An argument from one effect to another effect of the same cause is nothing more than an argument from effect to cause fused with an argument from cause to effect. If a boy says that there is skating to-day because the thermometer registers below the freezing-point, he really reasons from the low thermometer to its cause, the low temperature, and from that back to another effect of the same cause, namely, the frozen river. We may note in passing that the whole argument is based on inductive reasoning, which has led to the discovery of the general truth that a temperature below 32 degrees, Fahrenheit, always freezes water. In fact, all arguments from causal relation rest on principles generalized from observed instances.

As another illustration of this telescoped kind of argu-

ment from causal relation we may take the reasoning of a man who, when he hears the ticking of a watch, concludes that the hands are moving. He draws an inference from effect to effect of the same cause, namely, the elasticity of the watchspring. In other arguments, even when we have tested our facts and found them actually related as cause and effect, they may act and react upon each other in such a way that each, as we look upon it in different aspects, is both cause and effect; such is the relation of drunkenness and poverty. But if one thing follows or accompanies another with perfect regularity, it matters little for practical purposes of argument whether they are related as cause and effect; or whether they are both effects of the same underlying cause. In all cases the principal tests are those that we have just explained.

THE SO-CALLED ARGUMENT FROM SIGN

Nearly all writers on Argumentation attempt to differentiate what they call the argument from sign. But they are so far from agreement as to definition that the best we can do is to examine their illustrations. Thus, they say, we argue from sign when, on seeing the flags flying over the Capitol at Washington, we infer that Congress is in session; we argue from sign when we conclude from the decorations of a town that there is a public holiday, or from the appearance of a person that his health is good. A favorite example of this kind of argument is the common prediction of fair weather from the redness of the evening sky. The argument of Webster to prove that the murder of Captain Joseph White was the result of conspiracy is often taken as a typical argument from sign, the "signs" in this case being several pieces of indirect evidence. Our interest

for the moment, observe, is not in the nature of the evidence from which the inference is drawn, but in the nature of the inference itself.

Let me ask your attention, in the first place, to those appearances, on the morning after the murder, which have a tendency to show that it was done in pursuance of a preconcerted plan of operation. What are they? A man was found murdered in his bed. No stranger had done the deed, no one unacquainted with the house had done it. It was apparent that somebody within had opened, and that somebody without had entered. There had obviously and certainly been concert and coöperation. The inmates of the house were not alarmed when the murder was perpetrated. The assassin had entered without any riot or any violence. He had found the way prepared before him. The house had been previously opened. The window was unbarred from within, and its fastening unscrewed. There was a lock on the door of the chamber in which Mr. White slept, but the key was gone. It had been taken away and secreted. The footsteps of the murderer were visible, outdoors, tending toward the window. The plank by which he entered the window still remained. The road he pursued had been thus prepared for him. The victim was slain, and the murderer had escaped. Everything indicated that somebody within had coöperated with somebody without. Everything proclaimed that some of the inmates, or somebody having access to the house, had had a hand in the murder. On the face of the circumstances, it was apparent, therefore, that this was a premeditated, concerted murder; that there had been a conspiracy to commit it.¹

Let us now examine these "arguments from sign," to determine whether this class is distinct; whether its members cannot be better explained as arguments from example or arguments from causal relation. If we made no mistake when we asserted above that all arguments

¹ Webster, "The Murder of Captain Joseph White," *Webster's Great Speeches*, p. 200.

rest on generalization, stated or implied, and that no argument, not even a generalization itself, can commend itself to a rational mind, except on the assumption that a causal relation exists, we ought to be able to explain all so-called arguments from sign by reference to generalization or causation, or both. And, as a matter of fact, when we point to the flags above the Capitol and say that Congress is in session, do we not gain assurance from the fact that the "sign has never failed"? In other words, is not our conclusion based on the implied generalization, drawn from years of observed instances, that whenever the flags are flying, Congress is in session? Again, would anybody venture to conclude from the redness of the sky this evening that to-morrow will be fair, if he did not believe that innumerable red skies and fair days justified a generalization? On the contrary, so dependent on implied general truths is every credible argument from sign, that any argument from sign which has no possible reference to such a general truth is at once regarded with suspicion. A man who asserts that the approach of a certain comet is a "sign" of the end of the world is thought to be mentally unbalanced, for the approach of a comet has never been followed by any such calamity. It will be a profitable exercise to examine various "arguments from sign" — and they are in every-day use — with the view to tracking down the implied generalizations. If these cannot be found, or when found are unsatisfactory, the so-called arguments from sign will be useful only as illustrating our discussion of faulty reasoning.

Furthermore, since, as we have seen above, a generalization itself can be explained and verified only by reference to causation, it follows that all these "arguments from sign" which we have based on generaliza-

tion must find their force, if they have any, in the uniformity of the laws of nature. To explain this truth by means of the arguments said to be based on signs involves this difficulty, that it is impossible to determine the exact nature of a given inference; for even though a man has some idea of the operations of his own mind, he cannot state with certainty by what process another mind reaches a conclusion. Language is so inexact an instrument that it never reveals all that goes on in the mind. Still, it seems probable that most people who speak of signs as having significance, or use so-called signs in reasoning, do so on the assumption that there is a relation of effect and cause between the sign and the thing signified, or between these two things and their common cause. Otherwise a conclusion from sign would be based on superstition or belief in the supernatural, a kind of reasoning that we shall consider later under the head of Fallacies of Causal Relation.

For the present, let us point out the causal relations actually existing and probably influencing the conclusions in some of the examples presented as arguments from sign. "We argue from sign," says Professor Hill, "when from the fact that ice is forming we infer that the temperature is below freezing-point." This is a clear case of inference from effect to cause. "We argue from sign," says another writer, "when on seeing smoke we conclude that there is a fire." This is another simple argument from effect to cause. So, also, the circumstances which Webster accumulated to establish a conspiracy in the case cited above were the known effects of an unknown cause. That they were the effects of a conspiracy and could have resulted from no other cause, it was Webster's object to prove. For the discovery of any other cause just as likely to produce the circum-

stances would have rendered them useless as "signs" of conspiracy. As a last example, take the prediction of fair weather from the redness of the evening sky. This inference, as we have seen, is based on an implied generalization. But the generalization itself is trustworthy only if there is an underlying cause—such a condition of the atmosphere, it may be, as to produce both the color of the sky and the fairness of the weather. In other words, this common prediction is, at bottom, an argument from one effect to another effect of the same cause.

The objection is sometimes raised that a sign is neither the cause nor the effect of the thing signified. It is said that the fire alarm does not cause the fire, nor does the fire cause the alarm; the alarm is merely a "sign" of fire. Or, to take our former examples, the public holiday is not the cause of the town decorations, nor is the session of Congress the cause of the flying of the flags. But those who object to such uses of the word "cause" demand an exactness inconsistent with the limits of human knowledge regarding the laws of causation. At best our use of the word "cause" must be rather loose; at best we can follow the endless chain of causation only far enough to serve the purposes of a given inference. For the purpose of our every-day reasoning (when there is no error as to fact) the fire is the cause of the alarm, and we need not insist on taking every step from the fire to the cry of the small boy, to the order of the chief, to the pressing of the button, to the ringing of the bell. We need only remember that an observed effect may be due to other than the assumed cause,—there may be a false alarm,—and that the liability of error increases with the number of links in the chain of causation. The means of checking such error is not through

such vague and superficial explanations as those called "sign" and "association of ideas," but rather through directing attention at once to the only ultimate explanation, and then through accumulating probabilities of the soundness of the argument by reinforcing it with other arguments.

SEVENTH CHAPTER

REFUTING OPPOSING ARGUMENTS: FALLACIES

"Men give me some credit for genius. All the genius I have lies in this: When I have a subject in hand, I study it profoundly. Day and night it is before me. I explore it in all its bearings. My mind becomes pervaded with it. Then the effort which I make is what the people are pleased to call the fruits of genius. It is the fruit of labor and thought."
—ALEXANDER HAMILTON.

REFUTATION

REFUTATION is argument which weakens or destroys the contentions of the other side. Mere contradiction is not refutation. Many attempts at destructive argument amount to something like this: "My opponent has defined shipping subsidies as grants of money to merchant ships for carrying the mails, but I think that these are not subsidies; he has tried to prove that such subsidies would soon put American shipping on a firm basis, but I deny it; finally, he has attempted to show that foreign carriers now charge exorbitant rates, whereas we all know that such is not the case." This is contradiction, not refutation. It is precisely what we have condemned as unsupported assertion.

Refutation is an essential part of argumentation. Though destructive in nature, it is scarcely less important than constructive proof. Indeed, there are times when a negative case — with the presumption in its favor — may well consist mainly of refutation. Even an affirmative case on a really debatable question cannot safely rely on constructive work. Those who are to be convinced of the truth of a proposition wish to know

not only why the arguments in its favor are sound, but also why the opposing arguments are unsound. Otherwise, as frequently happens in debate, the contentions of both sides may seem convincing, and their relation to each other may be obscured.

The first arguments of students usually ignore the other side. They move so directly and easily to sweeping conclusions that the wonder grows how the question ever came to be discussed at all. Not until students are forced to hear the other side of the question under the conditions of actual debate do they approach effective and adequate refutation.

Broadly speaking, there are two ways by which we may overthrow an argument: we may question the truth of the alleged facts on which the argument is based, or the validity of the reasoning process. To object to the alleged facts or premises, on the score that they have not been proved true, is to prefer a charge of unsupported assertion and call for evidence. To object to the reasoning process, on the score that the conclusion does not follow logically from the premises, is to prefer a charge of fallacious inference. Objections to unsupported assertion we have already considered; objections to fallacious inference we shall now consider.

FALLACIES

A fallacy is an error in the reasoning process, an unwarranted transition from one proposition to another, quite independent of the truth or falsity of the individual propositions.¹ The fault lies not in the premises or

¹ A fallacy, according to the Century Dictionary, is "a false syllogism; an invalid argumentation; a proposed reasoning which, professing to deduce a necessary conclusion, reaches one which may be false though the premises are true, or which, professing to be probable, infers something that is really not probable, or wants the kind of

in the conclusion, but in the illogical inference from one to the other. The premises may be true and the conclusion may be true, and yet together they may embody a fallacy. The inference that because a conclusion is true the premises must be true is itself a fallacy. It is equally wrong to infer that because a conclusion is false the reasoning must be false. To be sure, the apparent falsity of a conclusion often leads us to question the validity of the inference, but the presence or absence of fallacy proves nothing regarding the truth or falsity of a conclusion. When we have proved that the premises are correct and that the reasoning process is sound, then and only then can we be sure of the truth of the conclusion. Fallacies are concerned only with the reasoning process.

To classify the fallacies so as to embrace all the possible errors of the mind in distinct groups is impossible, for indistinctness and incompleteness are the very nature

probability assigned to it." Professor Sidgwick says, "a fallacy is used to mean: (1) a piece of false reasoning in the narrower sense; either an invalid immediate inference, or an invalid syllogism; a supposed equivalent form which is not equivalent, or a syllogism that breaks one of the rules. (2) A piece of false reasoning in the wider sense; whereby from true facts a false conclusion is inferred. (3) A false belief, whether due to correct reasoning from untrue premises (reasons or sources) or to incorrect reasoning from true ones. (4) Any mental confusion whatever." No doubt the term fallacy is thus loosely used, but we shall apply it only to the first and second of these classes. For our purposes they are covered by the definition given above.

Nearly all logicians and rhetoricians deal with a class of fallacies which they call *Non Sequitur* or Fallacy of the Consequent. *Non Sequitur* (meaning "it does not follow") is a name applied to any inference in which the conclusion does not follow from the premises. The term Fallacy of the Consequent is usually employed in the same sense. Evidently we might include, under either of these terms, the whole range of reasoning processes which fail to satisfy the tests of argument given in the preceding chapter. The fallacies which we shall consider under I and II are all cases of *Non Sequitur*. This term and the other Latin names of the traditional logic (for such fallacies as seem worth considering here) will be given only in footnotes.

of fallacies. No one can do more than imagine what takes place in the mind of a faulty reasoner. A fallacy which consists in ambiguous phrasing may fall under one or another group, according as we regard one or another of the meanings of the words; and a fallacy which omits an essential link from the chain of reasoning will become one kind of fallacy or another, according as we supply one possible link or another. Fortunately, for the practical purposes of argumentation, no scientific or exhaustive classification of fallacies is necessary. The plan of this chapter is not a comprehensive classification; and the divisions here treated are not mutually exclusive.

There is no infallible system by which to test the validity of all possible arguments. Even the science of logic can do no more than guide and stimulate the gradual development of the power of discriminating between better and worse reasoning, and in this respect argumentation is even less pretentious than logic. The most that we can hope to gain from this study of fallacies is progressive ability in detecting and avoiding unsound inferences in our own arguments, and progressive ability in detecting and exposing such errors in the reasoning of other people. Evidently, this is not a study to be crammed and forgotten, but rather a study to be pursued and utilized in all the concerns of life.

DEFINITION A SAFEGUARD AGAINST FALLACIES

We have seen that the first step in argument is the interpretation of the proposition in order to resolve it into its essential parts; and we have seen that a first step in any such interpretation must be the definition of terms. Many fallacies are due to inadequate definition of terms, for the most dangerous source of verbal con-

fusion and consequent dispute is our failure to set forth our meaning with perfect clearness, and the more subtle the misinterpretation, the greater the danger. The study and practice of argumentation is sure to reveal innumerable chances for confusion due to the lack of satisfactory definitions. We can seldom proceed far in any argument, no matter how simple it may seem to be, without feeling the necessity for this preliminary work of exposition. Without the protection of painstaking definitions, no point in an argument is proof against the insidious fallacies of ambiguity. When the two sides in a controversy use the same terms with different meanings or different terms with the same meaning; when colleagues are not agreed and consistent in the use of terms; when any man employs a term in one sense and later shifts to another sense, the result is a confusion which may carry in its train whole troops of fallacies. Clear and convincing definitions are fundamental requisites of sound argument.

I. FALLACIES OF THE ARGUMENT FROM EXAMPLE

The principal errors of inductive reasoning are the typical fallacies in the use of the two kinds of argument from example. These fallacies are known as (A) Hasty Generalization and (B) False Analogy.

A. HASTY GENERALIZATION

(A) An unwarranted or hasty generalization is one that fails to satisfy the tests already considered. Accordingly we may expose a fallacy in generalization by proving —

- (1) That the relative size of the unobserved part of the class is so large as to discredit the generalization.

- (2) That the members observed are not fair examples of the class.
- (3) That there are exceptions to the general rule or statement.
- (4) That it is highly improbable that such a general rule or statement is true.

B. FALSE ANALOGY

(B) A false analogy is one that fails to satisfy the tests already treated at some length in the last chapter. Accordingly, the weakness of such an argument can be exposed by proving —

- (1) That the details of comparison or contrast are not essential to the question at issue.
- (2) That the points of likeness (or difference) which are relied upon for the analogy are outweighed by the points of difference (or likeness) which are ignored.
- (3) That the conclusion reached by the argument from analogy is discredited by other kinds of argument.
- (4) That the facts known to be true of the analogous case are less likely to be true of the case in question.
- (5) That the alleged facts on which the analogy is based are not true.

From the examples of argument by analogy already given, it is clear that these tests overlap and aid each other. Thus, when we have determined to what extent the details of likeness relied upon for an argument are essential to the point at issue, we know roughly how much weight to give those details in balancing them against the details of difference. Again, when the conclusion reached by analogy seems to be inconsistent

with conclusions reached by other kinds of argument, we are prompted to question the truth of the very facts upon which the analogy is based. For purposes of refutation we must constantly apply all possible tests, trusting that practice will gradually develop the power to discriminate between relevant and irrelevant matters, and the consequent ability to estimate the degree of probability of truth which is established by a given argument from analogy.

II. FALLACIES OF MISTAKEN CAUSAL RELATION

Our study of the kinds of argument should have revealed the fact that all errors in reasoning are due to lack of a causal relation. This relation either (1) is said to exist, or (2) must exist if the inference is valid. But errors in reasoning run all the way from bald assertions of the type "A is the cause of B" to the loosest generalizations and analogies, where the causal relation is not even hinted or dimly perceived. In attempting to divide such a confusion of errors into groups, we can draw no hard and fast lines. The best we can do is to consider as Fallacies of Causal Relation those errors in reasoning which can be most readily exposed by directing attention to the alleged causal connection.

In the *Amateur Emigrant* Stevenson tells how his companions in the second cabin fell into the common error of mistaking the cause. The following quotation from that book illustrates the way in which a haphazard reasoner, when pressed to show causal relations which do not exist, falls back on an analogy which is unconvincing for the very reason that causal relations do not exist:—

They did not perceive relations, but leaped to a so-called cause, and thought the problem settled. Thus the cause of

everything in England was the form of government, and the cure for all evils was, by consequence, a revolution. It is surprising how many of them said this, and that none should have had a definite thought in his head as he said it. Some hated the church because they disagreed with it; some hated Lord Beaconsfield because of war and taxes; all hated the masters, possibly with reason. But these feelings were not at the root of the matter; the true reasonings of their souls ran thus — “I have not got on. I should have got on. If there had been a revolution, I would have got on.” “How?” They had no idea. “Why?” “Because — because — well, look at America.”

Fallacies of Causal Relation may be divided into two classes: A. Mistaking the Cause; B. Mistaking the Effect.

A. MISTAKING THE CAUSE

In the search for the cause of a known effect (the argument from effect to cause) men are prone to hit upon —

- (1) That which is merely another effect of the cause.
- (2) That which is associated with the effect, so far as can be determined, only by chance.
- (3) That which is merely an antecedent of the effect.
- (4) That which operates after the effect has been observed.
- (5) That which is associated causally with the effect, but is insufficient to produce the effect.

Each of these five cases involves a fallacy due to mistaken or overrated causal relation in attempts to determine the unknown causes of observed effects.

(1) To hold one effect responsible for another effect of the same cause is a common error. Thus the advocates of an increase in the amount of money in circulation have held repeatedly that much money is the cause

of wealth, because when there is much money in circulation there is much wealth. It is in reality the prosperous condition of business throughout a country which produces the wealth and demands the increase in the medium of exchange. Both are effects of one cause.

(2) Another large class of fallacies in the argument from causal connection is due to mistaking for a cause something which is associated with the result, so far as we know, only by chance. To this class belongs a large body of natural prejudices, — the whole tribe of errors in which the inference is merely implied, and the conclusion accepted without proof or attempt at proof. Thus, on hearing of the death of a neighbor, somebody exclaims, "What else could you expect? A mirror was broken in that house less than a year ago." It is an amazing weakness of the human mind that people who appear to be mentally sound repeat such superstitions until they actually believe in them. The impossibility of making any valid inference seems only to strengthen the idea that there is some mysterious causal connection. Such superstitions are discredited not so much by the fact that no causal relationship has ever been discovered as by the high improbability that any causal relationship exists.

(3) Superstitions like these are held on the vague assumption that a causal connection exists, with no attempt at argument. Sometimes, however, the attempt is made to establish a causal connection in a particular case, by holding that an antecedent of an effect is for that reason the cause.¹ Most patent medicine advertisements are based on this fallacy. The man whose picture appears was sick; he took three bottles of our cure-all;

¹ This fallacy is sometimes called *post hoc, ergo propter hoc*, meaning "after a fact, therefore because of it."

now he is well; therefore the cure-all was the cause of the recovery. In like manner it is held that after the Republican party came into power, wheat exports greatly increased; therefore to the Republican party is due the credit. In both cases the inference is fallaciously drawn that what follows must be caused by what precedes.

When two events thus occur in succession, the question is how far the connection is universal and necessary, as when pulling a fish out of a pond results in the death of the fish; and how far the connection may be accidental, as when "getting out of the wrong side of the bed" is followed by an unhappy day. When we jump from a single case of sequence, which we cannot distinguish from a mere coincidence, to the assertion of a causal connection, we commit the crudest form of this fallacy. When we have observed many such sequences, we may be justified in supposing a causal relation to exist, especially if the sequences have happened under various circumstances. But our supposition should be regarded as an incentive to search for proof rather than as a substitute for proof. Even constant sequence is no proof of causal connection; otherwise we might safely assert that day is the cause of night and life the cause of death. If the connection is not necessary, an argument which merely asserts that what follows must be caused by what precedes is fallacious whether it is based on one instance or on many.

(4) Another fallacy in the argument from cause to effect consists in ascribing a given effect to a cause which did not operate until after the effect had been observed. When O'Connell, in the House of Lords, in 1833, held that the Union with Ireland should be repealed because of its disastrous effects on Ireland,

Macaulay declared, in refutation, that those effects existed before the alleged cause:—

Ireland has undoubtedly just causes of complaint. We heard those causes recapitulated last night by the honorable and learned member, who tells us that he represents not Dublin alone, but Ireland, and that he stands between his country and civil war. I do not deny that most of the grievances which he recounted exist, that they are serious, and that they ought to be remedied as far as it is in the power of legislation to remedy them. What I do deny is that they were caused by the Union, and that the Repeal of the Union would remove them. I listened attentively while the honorable and learned gentleman went through that long and melancholy list: and I am confident that he did not mention a single evil which was not a subject of bitter complaint, while Ireland had a domestic parliament. Is it fair, is it reasonable in the honorable gentleman to impute to the Union evils which, as he knows better than any other man in the house, existed long before the Union? *Post hoc : ergo propter hoc* is not always sound reasoning. But *ante hoc : ergo, non propter hoc* is unanswerable. The old rustic who told Sir Thomas More that Tenterden steeple was the cause of Goodwin Sands reasoned much better than the honorable and learned gentleman. For it was not till after Tenterden steeple was built that the frightful wrecks on the Goodwin Sands were heard of. But the honorable and learned gentleman would make Goodwin Sands the cause of Tenterden steeple. Some of the Irish grievances which he ascribes to the Union are not only older than the Union, but are not peculiarly Irish. They are common to England, Scotland, and Ireland; and it was in order to get rid of them that we, for the common benefit of England, Ireland, and Scotland, passed the Reform Bill of last year.

(5) Another error in the argument from effect to cause consists in regarding a real but inadequate cause as sufficient to produce the known effect. This may be called the Fallacy of Insufficient Cause. This fallacy

differs from the four forms just considered, in that the imputed cause and the known effect in this fallacy really have a causal relation. The error in reasoning is the assumption that a force which is sufficient in composition with other forces is sufficient when operating alone.

In reviewing the campaign of organized labor against Congressman Littlefield, some of the newspapers reasoned thus: "Organized labor opposed the reelection of Mr. Littlefield. In the election following this opposition, Mr. Littlefield's majority was reduced from 5000 of the previous election to 1000. Therefore organized labor did it." In this bald form, the fallacy is precisely what we dealt with under (3); for the inference is made that since the loss of votes followed the opposition by organized labor, therefore organized labor was the cause of the loss of votes.

But several newspapers went further and showed that some men who voted for Mr. Littlefield in the previous election were influenced not to do so again partly by the campaign of organized labor. The inference based on this evidence, that organized labor caused the majority to fall from 5000 to 1000, is a fallacy in the argument from effect to cause of the class we are now considering. The argument attributes solely to the labor campaign a result which it was able to achieve only in coöperation with other forces. For in the same state election, the Republican candidates not opposed by organized labor suffered equal losses; Mr. Littlefield's majority fell off no more in the centres of organized labor than in other towns; and, finally, as both parties agreed, the dominant issue in the campaign and chief cause of the general Republican slump was not labor but liquor. The argument was therefore fallacious, because the alleged cause, although really operating and tend-

ing to produce the effect, was by itself insufficient to do so.

Refutation of Fallacies in Mistaking the Cause

Any fallacy in the argument from effect to cause (i. e. the attempt to determine the cause of a known effect) can be exposed by either or both of two ways: first, by proving that another cause produced the effect; second, by proving that the alleged cause could not have produced the effect. Under one or both of these heads must fall the refutation of any of the five fallacies just considered.

The first method finds an illustration in the history of astrology. For centuries men believed that somehow, though nobody knew just how, most of the calamities on earth were due to the movements of the heavenly bodies. It would take months to track down all the astrological references in the works of Chaucer alone. The failures of the supposed laws to operate in many cases were regarded as mysterious rather than significant. The facts most emphasized were the coincidences which seemed to justify their arguments from causal relation. Only the more definite notions of the real causes of human misfortunes, furnished by scientific investigations, succeeded in routing the superstitions of astrology.

The second means of refutation — i. e. proving that the alleged cause could not have produced the effect — can be accomplished either by proving that the alleged cause was insufficient to produce the effect, or that the operation of the alleged cause was prevented by other forces. Usually, however, an argument which attempts to determine the cause of a given effect cannot be refuted by establishing such unqualified statements. To show

what a given cause could *not* produce is difficult, often impossible. How can any one determine with certainty that a given motive could not have incited a man to murder? To offset the reasons presented by the prosecution to show that the prisoner would be likely to commit murder, the defense may present equally good reasons why he would be unlikely to do so. Or, the defense may bring forward another man who has even greater reasons for committing the crime in question, or, finally, the defense may show that, although the prisoner had sufficient motive, he had not sufficient opportunity.

Usually the best one can do in refutation is, first, to present another cause which *might* have produced that effect, second, to establish a doubt as to the possibility of the imputed cause producing the known effect.

B. MISTAKING THE EFFECT

In attempting to predict the result of a given force (argument from cause to effect) men are prone to make errors similar to some of those we have just considered. That results will come from the operation of forces which under no circumstances could even tend to produce those results is a common expectation. To this group of fallacies belongs the common superstition that to speak of exceptional good fortune is to invite disaster. A person who boasts that he has not had a cold this winter "raps on wood" to avert evil spirits. This absurd idea that there is some inscrutable relation between the mention of a thing and its appearance has led to the perpetuation and extension of the list of euphemisms which the Romans substituted for all plain words concerning death. In the newspapers of to-day men do not die; they "pass away," or "enter the great beyond,"

or "depart this life." The superstitions, noted above as leading to various fallacies of "effect-to-cause" reasoning, also work the other way. A person who fears that death will come to his family within a year because a mirror has been broken in his house credits a fallacious "cause-to-effect" reasoning. People who believe that misfortune lurks in the number thirteen, that seeing the new moon over the right shoulder or that sitting with the grain of the card-table will bring good luck, defy all the laws of logic, and seem hopelessly beyond the reach of argumentation.

The error of ascribing an observed effect to a cause which may have been prevented from operating is similar to the error of holding that certain results must follow a given cause when, as a matter of fact, the operation of the cause may be checkmated. The latter kind of inference is more liable to error; it is easier to find the cause of an observed effect than to predict an effect from a known cause. If money has disappeared from the till, we are satisfied that theft has been committed; and we can eliminate possible causes, one by one, until suspicion points to the probable thief. This suspicion directs the search for corroborating evidence. But even though we may be sure that a certain clerk has a strong motive for stealing money, we are by no means sure that he will do so. Other factors, such as honor or fear of punishment, may be more powerful than his great desire for the money.

The causes which warrant us in predicting any effect are usually so complex that we are liable to err by resting our argument on a cause or causes which prove to be inadequate. To affirm that the passage of a given shipping subsidy bill, providing grants of money to ship-owners, will restore the prestige of the American mer-

chant marine seems to be an error of this kind. A study of the success of other nations in building up their foreign shipping reveals numerous causes: the lower wages of shipbuilders and sailors, the lack of a variety of attractive employments, the American protective tariff, in addition to the subsidies granted by these nations. To hold that subsidies alone will enable the United States to wrest the traffic from the present carriers is to predict a success which has never followed from the unaided operation of that cause. A man who enters business with the idea that the influence of his family connections is sure to bring him rapid promotion may find that such influence, powerful as it may be, is insufficient to bring about the desired result without the aid of application and ability. Equally disappointing has been the career of many a man who has begun the practice of law with the idea that a keen mind is a guarantee of brilliant success. We may observe on every hand evidence of the fact that forces do not always achieve the result toward which they tend. The failures are due to the counter-acting influences of other forces, or to the lack of necessary supplementary forces, or to both.

III. FALLACIES OF IGNORING THE QUESTION

Fallacies of ignoring the question,¹ or arguing beside the point, consist in evading, through ignorance or intent, the real point at issue. The error is due sometimes to failure to analyze the question, and sometimes to the deliberate attempt of a man with a weak case to withdraw attention from the heart of the question. The universal tendency of the human mind to wander from the point makes the fallacy of Ignoring the Question both common and dangerous.

¹ Called *ignoratio elenchi*.

To reason in any of the following ways is to ignore the question:—

- (1) To infer from the character, professions, or conduct of an individual the truth or falsity of a general proposition.
- (2) To reach a conclusion through appeal to prejudice, passion, or sense of humor.
- (3) To argue that "what has been, should be."
- (4) To shift ground.
- (5) To proceed to a conclusion other than the one at issue.
- (6) To refute a proposition which was not maintained.
- (7) To treat contrary terms as though they were contradictory.

(1) When we infer from the character, professions, or conduct of an individual the truth or falsity of a general proposition not relating solely to that individual, we argue beside the point.¹ Sometimes we do this when, in seeking to discredit a principle advocated by a person whose own conduct violates that principle, we reply, "You are a pretty one to talk about that." We evade the issue by drawing attention from the merits of the principle to the personal merits of the one who advocates it. There is no necessary connection, however, between the character of a person and the worth of his advice, although there is an obvious connection between the character of a person and the effect of his advice. Temperance is a virtue though advocated by a drunkard, but a drunkard contributes more to the cause of temperance by example than by precept.

Sometimes we argue beside the point in attempting to defend a person by praising traits of his character

¹ This is sometimes called the fallacy of *argumentum ad hominem*.

which have nothing to do with the charges brought against him. Macaulay thus ridicules this type of ignoring the question:—

The advocates of Charles, like the advocates of other malefactors against whom overwhelming evidence is produced, generally decline all controversy about the facts, and content themselves with calling testimony to character. He had so many private virtues! And had James the Second no private virtues? Was Oliver Cromwell, his bitterest enemies themselves being judges, destitute of private virtues? And what, after all, are the virtues ascribed to Charles? A religious zeal, not more sincere than that of his son, and fully as weak and narrow-minded, and a few of the ordinary household decencies which half the tombstones in England claim for those who lie beneath them. A good father! A good husband! Ample apologies indeed for fifteen years of persecution, tyranny, and falsehood!

We charge him with having broken his coronation oath; and we are told that he kept his marriage vow! We accuse him of having given up his people to the merciless inflictions of the most hot-headed and hard-hearted of prelates; and the defense is, that he took his little son on his knee and kissed him! We censure him for having violated the articles of the Petition of Right, after having, for good and valuable consideration, promised to observe them; and we are informed that he was accustomed to hear prayers at six o'clock in the morning! It is to such considerations as these, together with his Vandyke dress, his handsome face, and his peaked beard, that he owes, we verily believe, most of his popularity with the present generation.

(2) Another form of ignoring the question consists in the attempt to bring people to the desired action through appeals to their passion or prejudice or sense of humor, rather than to their reason.¹ Many of the

¹ This is sometimes called the fallacy of *argumentum ad populum*. To take advantage of the ignorance of an audience, by proceeding to an

newspaper attacks on the simplified spelling movement illustrate this fallacy. Examples are all too common in political campaigns, for this is the favorite trick of the demagogue. It is effective wherever the ignorance or lethargy of the people addressed prevents them from discriminating between the true and the false, the relevant and the irrelevant. It is as contemptible as it is common.

In the course of a debate between Bishop Wilberforce and Huxley, in which Huxley defended the doctrine of evolution, the Bishop said: "I should like to ask Professor Huxley as to his belief in being descended from an ape. Is it on his grandfather's or his grandmother's side that the ape ancestry comes in?" Then, in a graver tone, he asserted that the views of Huxley were contrary to the revelations of Scripture. In the course of his refutation Huxley said: "I asserted — and I repeat — that a man has no reason to be ashamed of having an ape for his grandfather. If there were any ancestor whom I should feel shame in recalling, it would rather be a man who plunges into scientific questions with which he has no real acquaintance, only to obscure them by an aimless rhetoric, and to distract the attention of his hearers from the real point at issue by eloquent digressions and skilled appeals to religious prejudice."

(3) An appeal to veneration for authority, custom, or tradition instead of to reason is one form of the fallacy of ignoring the question. It is the pernicious argument that "what has been, should be," and "what has not been, cannot be." All generalizations which deny

irrelevant conclusion which they cannot recognize as such, is sometimes called the fallacy of *argumentum ad ignorantiam*. As the two are likely to go hand in hand, the distinction is of little use for practical purposes.

the possibility of any phenomenon relating to man, merely because it has never been observed in the past, are stupid errors in inductive reasoning, based on veneration for authority. The fallacy is implied in Pope's couplet:—

“Be not the first by whom the new is tried,
Nor yet the last to lay the old aside.”

If every one followed this precept, the world would stand still and decay; all hope of progress would be gone. With many people, however, tradition and imposing lists of names are more weighty than reason. So the debater—especially the reformer—must constantly have in mind that, although this kind of argument never did and never can establish any truth, yet its great influence over popular audiences must be reckoned with. To counteract the veneration for authority is the work of persuasion rather than of conviction, for people who insist that “what has been, should be” are not readily reached by rational argument.

To people open to conviction, however, the logical absurdity of any such argument can be shown by applying it to other questions. This method of refutation is illustrated by the following reply of William Ellery Channing to Henry Clay on the slavery question:¹—

But this property, we are told, is not to be questioned on account of its long duration. “Two hundred years of legislation have sanctioned and *sanctified* negro slaves as property.” Nothing but respect for the speaker could repress criticism on this unhappy phraseology. We will trust it escaped him without thought. But to confine ourselves to the argument from duration; how obvious the reply! Is injustice changed

¹ William Ellery Channing, *Works*, vol. v, p. 48. G. G. Channing, Boston, 1846. The method is further illustrated on p. 177.

into justice by the practice of ages? Is my victim made a righteous prey because I have bowed him to the earth till he cannot rise? For more than two hundred years heretics were burned, and not by mobs, not by lynch law, but by the decrees of the councils, at the instigation of theologians, and with the sanction of the laws and religions of nations; and was this a reason for keeping up the fires, that they had burned two hundred years? In the Eastern world, successive despots, not for two hundred years, but for twice two thousand, have claimed the right of life and death over millions, and, with no law but their own will, have beheaded, bowstrung, starved, tortured unhappy men without number who have incurred their wrath; and does the lapse of so many centuries sanctify murder and ferocious power?

Here we should remind ourselves of our constant danger of assuming, with no pretense of reason, that things are so simply because we have always believed them to be so. We sometimes conclude that what is true of our ideas of things must be true of the things themselves. We attempt to make facts conform to our preconceived notions instead of making our notions conform to the facts. Every great discovery in astronomy has overthrown such false ideas. Columbus, in trying to convince people that the earth was round, had to address people who mistook the limitations of their own faculties for limitations of the universe. In everyday life people offer their ignorance of phenomena as sufficient proof of their non-existence.

In this connection, an incident of a certain debate is pertinent. One speaker, indignant at the evidence offered by an opponent, exclaimed, "Why, I never heard of such a thing in all my life."

"Mr. Speaker," came the reply, "I cannot allow the gentleman's ignorance, however vast, to offset my knowledge, however small."

A hundred years ago men held that it was impossible to hear the voice of a man a hundred miles away. They reasoned only from experience. And their mistake is made to-day whenever men commit themselves to the folly of a universal negation, as when, arguing from their own narrow experience, they assert that there is no God. Let us remember, then, that because things always have been so and so is no reason why they always must be or should be the same; and because we have never known things to be so and so is no reason for concluding that they never have been so, much less that they never can be so.

(4) Still another form of ignoring the question is known as shifting ground. Whenever a man starts to prove one proposition and, when cornered, slips over to another proposition, he commits the fallacy of shifting ground. He "argues beside the point" which he set out to prove. Some of the confusions due to lack of definition of terms are fallacies of this type. When a person starts to prove a proposition which employs a term in one meaning and arrives at a conclusion which employs the term in another meaning, he has shifted ground. The man who maintained that there could be no such thing as a civil war, because all war is uncivil, obviously used the word "civil" in two senses. In a debate on the question whether the United States should further restrict immigration, a speaker said, "The argument in favor of more stringent laws, based on the contention that many of our criminals come from foreign countries, is not well founded, for our present immigration laws exclude criminals." The term *criminals* is here used in two senses. In the argument which the speaker attempts to refute the term means immigrants who are criminals or who become criminals; in his reply the

term means immigrants who are *known* to be criminals. He shifts ground. This fallacy usually lurks concealed under redundant phrases and fine figures of speech. The demagogue talks at length to show that in this great, free country every man should regard every other with a feeling of brotherly love, should not ignore the rights of less fortunate fellow citizens, in a word, should be democratic; that, therefore, every man should vote the Democratic ticket. It would be equally effective, in fact the same kind of fallacy, to assert in reply that since this country is a republic, every man should vote the Republican ticket.

(5) Confusing the issue, or arguing on a question other than the one under dispute, is obviously ignoring the question. To prove that a given policy would increase the enrollment of a college when the question at issue is whether that policy would raise the standard of scholarship; to laud the virtues of temperance when the clash of opinion concerns the relative efficacy of prohibition and high license in promoting temperance, is to ignore the question. Owen Wister accuses Judge Pennypacker of arguing beside the point in attempting to prove that Pennsylvania politicians are honest. "'Pennsylvania has no ills,' declared the judge, and proved it by naming the institutions founded by Franklin, and recalling how brilliantly General Meade had won the battle of Gettysburg." In formal debate, the question is ignored when, for instance, instead of proving that the United States should favor the partition of China, a speaker proves merely that China should be partitioned, or, instead of proving that the Congo government is guilty of inhuman treatment of the natives, proves that such treatment is reprehensible. Thus, in a debate on the question whether the United States government

should coöperate with the states for the permanent improvement of the public highways, one of the debaters ignored the question by spending all of his time in proving that good roads are highly desirable, a point which needed no proof.

To attempt to prove a proposition by arguing that the opposite cannot be proved is to ignore the question. Proof that an opponent cannot establish his case is sound refutation, but it is nothing more. It is in no sense constructive. To assert that a given treatment cured a disease because nobody can prove that it did not cure the disease is to evade the issue. The fallacy consists in holding that the lack of proof that a proposition is false proves that the proposition is true.

(6) The fallacy of ignoring the question is common in attempts to overthrow the arguments of opponents. Logically, it is just as futile to disprove a thing which was not maintained as to prove a thing which was not denied. Whoever, in refutation, deliberately misrepresents his adversaries or mistakes the point to be answered is guilty of this fallacy.¹

Webster in his argument in the White murder case, exposed an opponent's fallacy of ignoring the question:

The prisoner's counsel catch at supposed flaws of evidence, or bad character of witnesses, without meeting the case. Do they mean to deny conspiracy? Do they mean to deny that the two Crowninshields and the two Knapps were conspirators? Why do they rail against Palmer, while they do not disprove, and hardly dispute, the truth of any fact sworn to by him? Instead of this, it is made a mere matter of sentimentality

¹ The closing paragraph of the speech on p. 432 is an attempt to force opponents in debate to meet the issues. Another good illustration is the charge of Douglas against Lincoln: Lincoln's *Complete Works*, Century Company, vol. i, p. 301.

that Palmer had been prevailed upon to betray his bosom companions and to violate the sanctity of friendship. Again I ask, Why do they not meet the case? If the fact is out, why not meet it? Do they mean to deny that Captain White is dead? One would almost have supposed even that, from some remarks that have been made. Do they mean to deny the conspiracy? Or, admitting a conspiracy, do they mean to deny only that Frank Knapp, the prisoner at the bar, was abetting in the murder, being present, and so deny that he was a principal? If the conspiracy is proved, it bears closely upon every subsequent subject of inquiry. Why do they not come to the fact? Here the defense is wholly indistinct. The counsel neither take the ground nor abandon it. They neither fly nor light. They hover. But they must come to a closer mode of contest. They must meet the facts and either deny or admit them.¹

(7) The last form of the fallacy of ignoring the question that we shall consider consists in treating contrary terms as though they were contradictory. Contradictory terms — such as rational and irrational — cover all possibilities; there is no middle ground. Contrary terms — such as high and low — are extremes between which there may be a middle ground. The fallacy consists in dividing a concept into two parts which do not cover all possibilities, and then ignoring the others. Evidently it evades a part of the proposition.

An example of this fallacy occurred in a debate on the proposition, "The Federal Government should coöperate with cities and towns for the permanent improvement of the public highways." The affirmative tried to force upon the negative this alternative, — either roads constructed by cities and towns with federal aid, or roads constructed by cities and towns without aid.

¹ *The Works of Daniel Webster*, vol. vi, p. 59. Little, Brown & Co., Boston, 1857.

But the negative won the debate by defending a third possibility, namely, roads constructed by cities and towns with state aid.

This so-called fallacy of division is most common in the improper use of the dilemma; that is, in trying to force upon an opponent a choice between two alternatives when there is a third course overlooked or concealed. We shall discuss this fallacy further in connection with the dilemma.

IV. FALLACIES OF BEGGING THE QUESTION

The Fallacy of Begging the Question¹ consists in assuming without proof the truth or the falsity of a point which is at issue, or its equivalent.

To reason in any of the following ways is to Beg the Question: —

- (1) To argue in a circle.
- (2) To assume the point at issue directly under cover of confused language.
- (3) To assume a more general truth which involves the point at issue.
- (4) To assume a particular truth which the proposition involves.
- (5) To employ "question-begging" words.
- (6) To assume a point at issue in defining the terms.

(1) A common form of this fallacy is Arguing in a Circle.² To argue in a circle is to assume the truth of a premise, from this premise to deduce a conclusion, and then to use the conclusion so reached in an attempt to prove the premise with which we started. "Thus," says Professor Hill, "a woman, on seeing a very small por-

¹ Also called *petitio principii*.

² Called *circulus in probando*.

ringer, said to a child, 'That must have been the little wee bear's porringer, it is so small,' and then added, 'He must have been smaller than we thought, must n't he?'" To assume that the bear is small in order to prove that the porringer is his, and then from the fact that such a small porringer is his to infer that he must be small, is to beg the question by arguing in a circle.

Another example of this fallacy is the following: "Assuming that Goldsmith was kind and impractical, we see that he has put many of his own qualities into the character of the Vicar of Wakefield. And as the Vicar was certainly a kind, though impractical man, we see that these were really the leading qualities of Goldsmith."

Such an argument whirls around like a squirrel in a cage, without making any progress; or, better still, it proceeds like a man lost in the woods, who, after much inconsequent rambling, arrives at the point from which he set out.

This fallacy of arguing in a circle is thus refuted by Professor Felix Adler:—

There is an argument in favor of child-labor so un-American and so inhuman that I am almost ashamed to quote it, and yet it has been used, and I fear it is secretly in the minds of some who would not openly stand for it. A manufacturer standing near the furnace of a glasshouse and pointing to a procession of young Slav boys who were carrying the glass on trays, remarked, "Look at their faces, and you will see that it is idle to take them from the glasshouse in order to give them an education; they are what they are, and will always remain what they are." He meant that there are some human beings—and these Slavs of the number—who are mentally irredeemable, so fast asleep intellectually that they cannot be awakened; designed by nature, therefore, to be hewers of wood and drawers of water. This cruel and wicked thing

was said of Slavs; it is the same thing which has been said from time immemorial by the slave-owners of their slaves. First they degrade human beings by denying them the opportunity to develop their better nature: no schools, no teaching, no freedom, no outlook; and then, as if in mockery, they point to the degraded condition of their victims as a reason why they should never be allowed to escape from it.¹

Another circular argument is refuted by Herbert Spencer. The last sentence in the quotation exposes tersely the weakness of the fallacy:—

Finding that the child is not willing to acquire facts that are distasteful to him, they are forced upon him, and by denying his mind the knowledge it craves, and cramming it with knowledge it cannot digest, we produce a morbid state of the faculties, and a consequent disgust for knowledge in general; and when, as a result, partly of the stolid indolence we have brought on, and partly of still continued unfitness for studies, the child can understand nothing without explanation, we infer that education must necessarily be carried on thus. Having by our method induced helplessness, we straightway make helplessness an excuse for our method.

These two examples of the fallacy of arguing in a circle and these two examples of the refutation of the fallacy are chosen because of their simplicity. By no means so obvious are the errors we commonly meet, for, as we have said, redundancy and confusion are the very nature of fallacies. To be keen in tracking down and clearly exposing such round-trip arguments, one must be aware of the danger and alert to discover the circle under any disguise.

(2) Sometimes the question is begged by assuming the point at issue directly, and concealing the lack of proof under a confusion of rhetorical devices. Thus,

¹ *The Annals of the American Academy of Political and Social Science*. Felix Adler, in vol. xxv, No. 3, May, 1905.

says Mill, men vainly try to prove two of the most elementary of all laws, the law of inertia and the first law of motion. "A body at rest cannot, it is affirmed, begin to move unless acted upon by some external force; because, if it did, it must either move up or down, forward or backward, and so forth; but if no outward force acts upon it, there can be no reason for its moving up rather than down, or down rather than up, etc.: ergo, it will not move at all."¹ This begs the question directly.

Another example is the following: "The bill before the House is well calculated to elevate the character of education in this country, for the general standard of instruction in all our schools will be raised by it."

An excellent illustration of the method of exposing this fallacy in debate is found in the second paragraph of the first rebuttal speech for the Negative in Appendix VIII.

(3) Sometimes the question is begged by assuming a more general truth which involves the point at issue.² Dr. Pond, for example, is said to have begun his introduction to the Book of Job with the statement that, although some skeptics have doubted whether Job was an historical character, the Bible settles that question for itself, for in the very first verse of the first chapter, it says: "There *was* a man in the land of Uz whose name was Job." In the implied assumption that every word of the Bible is literally true, Dr. Pond assumes a truth so broad as to involve the matter which "some skeptics have doubted."

(4) Sometimes the question is begged by assuming particular truths which the proposition involves. Thus, a student's entire argument on the question whether

¹ Mill, *A System of Logic*, p. 496.

² Called *assumptio non probata*.

Mohammedanism has retarded civilization consisted in the attempt to prove that Mohammedanism has retarded the spread of Christianity. He assumed that whatever retards Christianity retards civilization, a particular involved in the proposition itself and therefore demanding proof.

(5) Sometimes a single word begs the question. In the introduction to an argument in favor of intercollegiate football, a speaker asked, "Shall we begrudge the time for *sound* physical development? Shall we do away with this *manly* sport?" On another occasion, a speaker announced at the outset, "The question is whether we shall have a naval policy which, *unlike the present policy*, is for the best interests of the United States." In still another debate the speaker said, "The immediate origin of the question is the failure of Speaker Cannon to give *due* recognition to the demands of labor." These sentences contain question-begging words.

(6) In pointing out the requisites of a clear and convincing definition, we gave instances of question-begging definitions. In Professor Hammond Lamont's *English Composition* are other good examples:—

If the question were, "Is the degraded condition of our American cities due to foreign immigration?" and "degraded conditions" were described as those which exist in the crowded foreign quarters of our large cities, the argument might as well end there; for the conditions in the foreign quarters are largely the result of foreign immigration. Should the question be, "Is rotation in office desirable?" and the definition of "rotation," "that change which is needed to bring fresh vigor and intelligence to the discharge of public duty," the question would not be debatable. It would be equally one-sided if the definition were "that frequent change which makes it impossible for a man to master his duties and work out an intelligent policy."

In one of Fielding's novels a debate occurs on the question "Can any honor exist independent of religion?" Each disputant tries to frame the definition so as to shut out the other side: —

"Square answered that it was impossible to discourse philosophically concerning words till their meaning was first established; that there were scarce any two words of a more vague and uncertain signification than the two he had mentioned; for there were almost as many different opinions concerning honor as concerning religion. 'But,' says he, 'if by *honor* you mean the true, natural beauty of virtue, I will maintain it may exist independent of any religion whatever.'

"Thwackum replied, 'When I mention *religion*, I mean the Christian religion; and not only the Christian religion, but the Protestant religion; and not only the Protestant religion, but the Church of England. And when I mention *honor*, I mean that mode of divine grace which is not only consistent with and dependent upon that religion, but consistent with and dependent upon no other.'

¹

An effective way of exposing fallacies of begging the question in debate is to state clearly the premises of your opponent's argument and demand proof for them. He must then either ignore the question, or, in attempting to prove the premises expose his own fallacy.

In the simple forms of the syllogism, fallacies are obvious. But the most dangerous fallacies of every-day argument never appear in such simple forms. They are indistinct and appear reasonable. This is particularly true of fallacies of begging the question, for they may hang together beautifully and yet have nothing to hang on. Their coherence is accepted in place of truth. Trusting in such argument because it looks reasonable is like relying on a fire-escape because it is made of strong rope, without asking what supports the rope.

¹ Arranged from *Tom Jones* by Hammond Lamont. See *English Composition*, pp. 168, 169. Charles Scribner's Sons, 1906.

EIGHTH CHAPTER

REFUTING OPPOSING ARGUMENTS: SPECIAL METHODS

"If any one can convince me of an error, I shall be very glad to change my opinion, for truth is my business, and nobody was ever yet hurt by it." — MARCUS AURELIUS.

I. SELECTION OF REFUTATION

THE principle of selection is quite as important in refutation as in constructive argument. To refute all that an opponent offers is rarely possible or desirable. "Too much is seldom enough." One must distinguish between essentials and non-essentials. Some of the opposing arguments may be safely admitted and the field of the contest thus narrowed.¹ Others, which have no bearing on the issues, may, for the most part, be ignored. It is poor policy to employ time and the patience of an audience in refuting anything which is not vital, no matter how easy and attractive an opening is offered. The very object of an opponent may be to attract attention from the main issues. If he wanders, drags in matters which are clearly beside the point, substitutes invective and ridicule for reason and evidence, the most effective course is to ignore the digressions and hew to the line of the argument. Attention to the insignificant words of an opponent may rescue them from oblivion.

If, however, there is danger that the audience may not perceive the digressions, one should point out clearly

¹ Cf. pages 38-42.

which of the opposing arguments are pertinent. Some of these are of minor importance, and are seen to have little effect on the audience. These should be briefly refuted, or even ignored, for the more points a writer or speaker advances, the less emphasis he can place on each point. A debater cannot make a dozen matters all appear of supreme importance in a five-minute rebuttal speech. A lot of petty material causes confusion without destruction. A well-directed cannon-ball may sink a ship; a whole charge of birdshot will only scratch the paint. To the admitted, the extraneous, and the subordinate contentions of an opponent, little time should be spared. Nearly all of the refutation should be directed against those central pillars on which the whole structure rests.

As a rule, it is poor policy to undertake to refute more than is necessary to prove the error of the opposing contentions. A chain is as weak with one broken link as with many. If one absolutely essential part of an argument is really destroyed, the whole argument falls. To attempt to destroy other parts is needlessly to incur additional danger of failure. When Lincoln desired to prove the falsity of testimony regarding events said to have been observed on a moonlight night, he simply produced an almanac which proved that there was no moonlight on the date in question. A person burdens himself unwisely who attempts to controvert a universal judgment (all A is B) by the opposite universal (all A is not B) when the opposite particular (some A is not B) is easier to prove and equally effective. To refute the statement that all strikes of coal-miners have attained their objects, one need prove merely that some strikes of coal-miners have not attained their objects. Thus, in the Harvard-Princeton debate on the proposition, "Con-

gress should take measures to retire all the legal tender notes," Harvard overthrew the proposition to the satisfaction of the judges, not by proving the universal negative, — namely, that no legal tender notes should be retired by Congress, — but by proving a particular negative, that not all but only some should be retired. The general rule, then, is the same in refutation as in all other forms of discourse, — too much is seldom enough.

II. POSITION OF REFUTATION

If a writer or speaker is advocating an extremely unpopular proposition, he may be unable to secure a fair hearing for his constructive argument until he has answered the principal objections. In such a case, the refutation should come first. If, on the other hand, the constructive argument does not require this preliminary clearing of the ground, and if the refutation depends for its cogency on points to be established in the constructive part of the proof, the refutation should come last. The danger of this final position is that of leaving the opposing contentions uppermost in the minds of the readers or hearers. One who puts his refutation at the end, therefore, should make it unquestionably strong, and follow it with a vigorous and persuasive summing up of the constructive work. More generally useful than either the initial or the final position is the method of introducing the refutation wherever objections arise in connection with the constructive argument. No further directions can be of much help, for the most effective position depends on infinitely variable attendant circumstances.

Arguments illustrating each of the three positions for refutation are readily available. The speech of Frank H.

Hurd, in favor of a tariff for revenue only, which is presented in the Appendix, takes up the contentions of the other side directly after the Introduction (paragraphs 4 to 12). The speech of Burke on Conciliation presents the refutation at the end (as marked on the brief in the Appendix). The brief in opposition to secret societies in public high schools (in the ninth chapter) introduces refutation wherever objections arise to the details of the constructive proof.

III. PRESENTATION OF REFUTATION

In presenting refutation, one care is of paramount importance. A writer or speaker should first of all make absolutely clear just what argument he is refuting, and its bearing on the main issues of the proposition; then he should show precisely how his refutation clinches with the work of his opponent. In other words, he should show just what destructive work his evidence is intended to perform and how it performs that work. Without such care he may get little credit for much study of the other side of the question. Frequently a man thinks so long on a subject and himself knows so well what is the force of a given argument that he fails to give his audience those introductory, transitional, and summarizing sentences without which the whole meaning of his refutation may be lost. This counsel is worth repeating:—

In attacking an argument, one should make clear at the outset — except in rare cases — exactly what he purposes to refute; he should explain as he proceeds just how his refutation is accomplishing its purpose; and, finally, he should state precisely the effect of his destructive work and the consequent status of both sides of the controversy.

IV. SPECIAL METHODS OF REFUTATION

In our discussion of unsound reasoning we pointed out the most effective methods of exposing particular fallacies. We may now consider other special methods of refutation.

1. **Reductio ad Absurdum.** — It is sometimes possible to show the absurdity of an argument by a process familiar to geometry. To prove that two perpendiculars cannot be drawn from a point to a given straight line, we may draw, from one point, two lines which we assume to be perpendicular to the given straight line, and then show to what absurd conclusions the assumption leads. In argumentation the process is the same. We assume — for the moment — that the proposition we wish to refute is true: we then draw from it logically an absurd conclusion. When a lawyer asserted in court that a corporation can make no oral contract because it has no tongue, the judge exposed the fallacy by saying, simply, “Then, according to your own argument, a corporation could not make a written contract because it has no hand.” This method of refutation is called *Reductio ad Absurdum*. The trouble with any argument which can be thus destroyed is that, if it proves anything, it proves something which is manifestly absurd. It is commonly said to prove too much.

Cicero points out that a certain contention proves too much: —

Nor, if Publius Crassus was both an orator and a lawyer, is the knowledge of the civil law for that reason included in the power of speaking. For if any man, who, while excelling in any art or science, has acquired another, shall hold that his additional knowledge is a part of that in which he previously excelled, we may, by such a mode of argument, pretend that to

play well at tennis is a part of the knowledge of civil law, because Publius Mucius was skilled in both.

Macaulay employed this method in the following quotation:—

Many politicians of our time are in the habit of laying it down as a self-evident proposition, that no people ought to be free till they are fit to use their freedom. The maxim is worthy of the fool in the old story, who resolved not to go into the water until he had learned to swim. If men are to wait for liberty until they become wise and good in slavery, they may indeed wait forever.

A little book of ready-made briefs for debate, under the question, "Is novel-reading commendable?" argues that the prevalence of such reading shows its need. Extending this argument, one could show, with equal reason, that stealing is commendable, since the prevalence of stealing shows its need. In the same book is the contention that "offices should be used as the spoils of political parties, for it has always been so in our nation." The ridiculous aspect of all such arguments can be readily exposed by the method of *Reductio ad Absurdum*.

2. Method of Residues. — By the method of residues, all possible conclusions regarding the point at issue are given, and all but one are destroyed. This kind of argument is included under refutation because, although constructive in purpose and effect, it is destructive in method.

Burke furnishes an admirably clear example of the method of residues.¹ Having shown that a fierce spirit of liberty has grown up in the colonies, he then asks, What shall we do with that spirit? And he replies:—

¹ Burke, *Speech on Conciliation*, paragraphs 47 to 64.

As far as I am capable of discerning, there are but three ways of proceeding relative to this stubborn spirit which prevails in your colonies, and disturbs your government. *These are — to change that spirit, as inconvenient, by removing the causes ; to prosecute it as criminal ; or to comply with it as necessary.* I would not be guilty of an imperfect enumeration ; I can think of but these three. Another has indeed been started, — that of giving up the colonies ; but it met so slight a reception that I do not think myself obliged to dwell a great while upon it. It is nothing but a little sally of anger, like the frowardness of peevish children, who, when they cannot get all they would have, are resolved to take nothing.

Burke then proceeds to show that the first and second of these plans are impracticable, and concludes with the following characteristic, logical summary : —

If, then, the removal of the causes of this spirit of American liberty be for the greater part, or rather entirely, impracticable ; if the ideas of criminal process be inapplicable — or, if applicable, are in the highest degree inexpedient — what way yet remains ? No way is open but the third and last — to comply with the American spirit as necessary ; or, if you please, to submit to it as a necessary evil.

If one possibility is overlooked, a residues argument is worthless, for the question still remains : Which is the true conclusion of the matter, the one left standing in the residues argument or the one entirely overlooked ? For example, suppose the contention is held that there are only three methods of dealing with the courses of study in public high schools : that they must be wholly prescribed ; or partly prescribed and partly elective ; or wholly elective ; and, finally, that the first two methods are open to such serious objections that only the third is desirable. This argument seems to include all possibilities ; but it is refuted if a fourth possibility, namely

the "group system," is proved to be better than any one of the three.

Huxley, in his first lecture on Evolution, presented three hypotheses regarding the origin of the universe: —

So far as I know, there are only three hypotheses which ever have been entertained, or which well can be entertained, respecting the past history of Nature. I will, in the first place, state the hypotheses, and then I will consider what evidence bearing upon them is in our possession, and by what light of criticism that evidence is to be interpreted.

Upon the first hypothesis, the assumption is, that phenomena of Nature similar to those exhibited by the present world have always existed; in other words, that the universe has existed from all eternity in what may be broadly termed its present condition.

The second hypothesis is, that the present state of things has had only a limited duration; and that, at some period in the past, a condition of the world, essentially similar to that which we now know, came into existence, without any precedent condition from which it could have naturally proceeded. The assumption that successive states of Nature have arisen, each without any relation of natural causation to an antecedent state, is a mere modification of this second hypothesis.

The third hypothesis also assumes that the present state of things has had but a limited duration; but it supposes that this state has been evolved by a natural process from an antecedent state, and that from another, and so on; and, on this hypothesis, the attempt to assign any limit to the series of past changes is, usually, given up.¹

Huxley then destroyed the first two hypotheses, and left the third — since called the Theory of Evolution — standing alone. Following this indirect, destructive method of proof, Huxley offered direct, constructive proof of the probable soundness of the Theory of Evo-

¹ See G. P. Baker's *Specimens of Argumentation*, p. 50.

lution. Such positive proof should always be offered in corroboration of negative proof, for the method of residues is, at best, only an indirect argument. The chances of overlooking a possibility, or of failing completely to destroy those dealt with, are so great that the results of the indirect method should be reinforced by direct argument.

3. Method of the Dilemma. — The destructive dilemma forces upon an opponent the choice between two possibilities, so that whichever one he chooses leads him to absurdity, contradiction, or confusion. The two alternatives are called the horns of the dilemma. The typical form may be thus indicated: —

If A is B, C is D; if E is F, G is H.

Either C is not D, or G is not H.

∴ A is not B, or E is not F.

A concrete example, quoted by Professor Hyslop,¹ is as follows: "If this man were wise, he would not speak irreverently of Scripture in jest; and if he were good, he would not speak irreverently in earnest; but he either speaks of it irreverently in jest, or he does so in earnest; therefore he is either not wise, or not good."

But the dilemma rarely appears in argumentation in this complete and formal syllogistic type. Usually some part of the process is suppressed. Thus, for example, against the policy of obliging instructors in theological seminaries to sign an established creed, President William DeWitt Hyde offered the following argument: —

In condemnation of the practice of thus tying instruction to a creed we cannot . . . be too severe. Here is the dilemma. Either the professor will teach something different from what he would otherwise teach, because he has signed the creed, or

¹ J. H. Hyslop, *Logic and Argument*, p. 145. Charles Scribner's Sons, New York, 1899.

he will teach the same as he would teach if he had not signed it. If he teaches something different from what he would teach if he had not signed the creed, then he is guilty of a crime against the truth. . . . If he teaches the same as he would teach if he had not signed the creed, then the act of signing is simply a solemn farce, unworthy of the intelligence of grown-up men.¹

This argument attempts to force upon the advocates of a compulsory creed the choice between two possibilities with inevitable, definite consequences, so that, whichever of the two is chosen, the result is absurdity.

Macaulay reduced the plan for a separate Irish parliament to this dilemma:—

If the two legislatures are real and strong, they will necessarily disagree on some questions; then a single executive cannot represent both; if, on the other hand, the two legislatures are not real and strong, if one is a mere echo of the other, or both are slaves to the crown, then they better not exist at all.

The soundness of a dilemma depends on two conditions: it must present and it must destroy all the alternatives. The great danger in the use of the dilemma is the fallacy of division, which we have already considered. A person may refuse to accept either of the alternatives offered, and establish himself safely in a third position which the dilemma has overlooked. Thus Lincoln, in his speech on the Dred Scott Decision, refused to accept either of the horns of the dilemma presented by Douglas. Lincoln said of Douglas:—

He finds the Republicans insisting that the Declaration of Independence includes all men, black as well as white, and forthwith he boldly denies that it includes negroes at all, and proceeds to argue gravely that all who contend it does, do so

¹ *Proceedings of the Second International Congregational Council*, September 25, 1899.

only because they want to vote, to eat, and sleep, and marry with negroes. He will have it that they cannot be consistent else. Now I protest against the counterfeit logic which concludes that because I do not want a black woman for a slave, I must necessarily want her for a wife. I need not have her for either. I can just leave her alone.

In a debate on the proposition, "Japan should be the dominant power in the East for the next century," one speaker made out a strong case in favor of Japan as opposed to Russia, and was surprised to find that his opponents admitted all he said and contended that there should be no one dominant power. He had completely overlooked a third course.

A debater should take care not to be confused by a specious argument in the form of a dilemma suddenly thrust upon him. He may suspect that there is a fallacy in the reasoning of his opponent, but, being unable to find the weak spot at once, have nothing to offer in refutation but uselessly general charges. He should, therefore, become familiar with the common sources of error in the use of the dilemma, and cultivate the faculty of promptly reducing an elaborate argument to simpler form.

4. Method of the Syllogism. — Whenever the language of an adversary is redundant or incomplete, the argument can be more easily refuted if reduced or expanded to syllogistic form. Lincoln adopted this method in the debate with Douglas at Galesburg, when he thus placed his finger on the exact point at issue: —

Now, remembering the provision of the Constitution which I have read, affirming that that instrument is the supreme law of the land; that the judges of every state shall be bound by it, any law or constitution of any state to the contrary notwithstanding; that the right of property in a slave is affirmed

in that Constitution, is made, formed into, and cannot be separated from it without breaking it; durable as the instrument, part of the instrument, — what follows as a short and even syllogistic argument from it? I think it follows, and I submit to the consideration of men capable of argumenting, whether as I state it, in syllogistic form, the argument has any fault in it?

Nothing in the constitution or laws of any state can destroy a right distinctly and expressly affirmed in the Constitution of the United States.

The right of property in a slave is distinctly and expressly affirmed in the Constitution of the United States.

Therefore, nothing in the constitution or laws of any state can destroy the right of property in a slave.

I believe that no fault can be pointed out in that argument; assuming the truth of the premises, the conclusion, so far as I have capacity at all to understand it, follows inevitably. There is a fault in it, as I think, but the fault is not in the reasoning; the falsehood, in fact, is a fault in the premises. I believe that the right of property in a slave is not distinctly and expressly affirmed in the Constitution, and Judge Douglas thinks it is.¹

We have seen, however, that arguments in actual debate can rarely be reduced to syllogistic form. For whenever we step beyond the undisputed and lifeless parts of human knowledge, we enter realms of thought which are explained, not by faultless major premises, but by imperfect ideas of causation, to be clarified only by further insight into recognized complexity of detail. As a rule, we can do no more than apply the syllogistic method of refutation to a small part of an opponent's reasoning. Even in such cases, the difficulty of stating the ideas of another person in so simple a form should warn us against unfairness. It is easy enough to take

¹ Lincoln's *Complete Works*, The Century Company, vol. i, p. 445. For another example, see pp. 405 ff. of the Appendix.

an unguarded statement with a literalness never intended, and wrest from it an absurd major premise to the confusion of an incompetent opponent. But this is merely a "trick play," with the usual taint of meanness.¹ The application of the syllogistic method to actual controversy demands fairness, experience, and keen judgment.

5. **Exposing Inconsistencies.** — The evidence adduced in support of one issue must be consistent with the evidence adduced in support of another issue. In one chapter of a book on Socialism, we find the author maintaining that municipal ownership of street railways would secure cheaper service for the public. In another chapter we find the author holding that municipal ownership would raise the standard of living of employees, because the employees of the government, such as mail-carriers and policemen, receive twice as much pay and work only half as long as car conductors of private companies. The two contentions are apparently contradictory.

Evidence must be consistent with other known facts of the case. Suppose a speaker presents, in support of his theory regarding the San Francisco earthquake, what he declares to be the opinion of Professor N. S. Shaler, of Harvard, regarding that earthquake. Such evidence is inconsistent with the known fact that Professor Shaler died before the San Francisco disaster.

Judge Douglas, in his debates with Lincoln, in 1859, maintained that the people of a Territory could lawfully exclude slavery from its limits, notwithstanding the Dred Scott Decision. Lincoln exposed the inconsistency of this position, in these words: —

¹ For a discussion of this subject and a good illustration, see Alfred Sidgwick, *The Use of Words in Reasoning*, pp. 76, 77.

The Dred Scott Decision expressly gives every citizen of the United States a right to carry his slaves into the United States Territories. And now there was some inconsistency in saying that the decision was right, and saying, too, that the people of the Territory could lawfully drive slavery out again. When all the trash, the words, the collateral matter, was cleared away from it, — all the chaff was fanned out of it, — it was a bare absurdity: no less than that a thing may be lawfully driven away from where it has a lawful right to be. Clear it of all the verbiage, and that is the naked truth of his proposition — that a thing may be lawfully driven from the place where it has a lawful right to stay.¹

In testing evidence to determine whether it is consistent with experience, we must at the same time ask how nearly complete is our known experience. The apparent consistency may be due merely to the paucity of experience. And in testing evidence to determine whether it contradicts known facts of the case, we must be sure that what we regard as facts are established as such by adequate proof.

In the following argument, Burke exposes an inconsistency in the arguments of those who supported the trade laws and the revenue laws: —

The more moderate among the opposers of parliamentary concession freely confess that they hope no good from taxation; but they apprehend the colonists have further views, and if this point were conceded, they would instantly attack the trade laws. . . .

I am, however, Sir, not a little surprised at this kind of discourse whenever I hear it; and I am the more surprised on account of the arguments which I constantly find in company with it, and which are often urged from the same mouths, and on the same day.

For instance, when we allege that it is against reason to tax

¹ Lincoln's *Complete Works*, The Century Company, vol. i, p. 551.

a people under so many restraints in trade as the Americans, the Noble Lord in the Blue Ribbon shall tell you that the restraints on trade are futile and useless; of no advantage to us, and of no burthen to those on whom they are imposed; that the trade to America is not secured by the Acts of Navigation, but by the natural and irresistible advantage of a commercial preference.

Such is the merit of the trade laws in this posture of the debate. But when strong internal circumstances are urged against the taxes; when the scheme is dissected; when experience and the nature of things are brought to prove, and do prove, the utter impossibility of obtaining an effective revenue from the Colonies; when these things are pressed, or rather press themselves, so as to drive the advocates of Colony taxes to a clear admission of the futility of the scheme — then, Sir, the sleeping trade laws revive from their trance; and this useless taxation is to be kept sacred, not for its own sake, but as a counter-guard and security of the laws of trade.

Then, Sir, you keep up revenue laws which are mischievous, in order to preserve trade laws that are useless. Such is the wisdom of our plan in both its members. They are separately given up as of no value; and yet one is always to be defended for the sake of the other.

The following argument illustrates the method frequently adopted to refute the contentions in favor of Protection: —

The argument in favor of protection drawn from the dangers of free competition produces a great impression. But note what singular changes this argument has undergone, and to what contradictions it leads! Formerly it was maintained that the weak must be protected against the strong, the young countries against the old. Thompson, for instance, declared that protection aims to overcome the initial obstacles in the way of founding new and diversified industries. This was known as tutelary protection, designed to educate labor and capital in hitherto untried occupations, and in the United

States was known as "protection to infant industries." But the United States has brilliantly accomplished its economic evolution in this respect, and now ranks among the greatest manufacturing nations of the earth. And now that the nation is strong industrially, and its "infant industries" have been fostered to maturity, has it torn down the protective barrier which sheltered them in their infancy? By no means! Mr. David A. Wells declares expressly that "there has never been an instance in the history of the country where the representatives of such infant industries, who have enjoyed protection for a long series of years, have been willing to submit to a reduction of the tariff, or have proposed it. But on the contrary, their demands for still higher duties are insatiable and never intermitted." Americans continue the protectionist policy, and at the same time abandon the infant industry argument as unworthy of a great industrial nation. By an inverse argument they now declare that a nation that is advanced in civilization, that is wealthy and in the habit of paying high wages to its laborers, must be protected against nations possessing a retrograde civilization and paying low wages for labor.

Meanwhile, the nations of Europe declare that a high tariff barrier is indispensable to them precisely because they are old and require protection against the dangerous competition of new countries possessing the advantages of a cheap virgin soil and low wages.

Hence, free traders ask: What conclusion must be drawn from this varied application of the protectionist argument? To whom is protection really necessary? Do the weak need it against the strong, or the strong against the weak? Do new countries require it against old ones, or the old against the new? What are we to think of an argument that is made to serve equally well for the defense of two exactly opposite doctrines?¹

6. Turning the Tables. — Especially effective in refutation is the method of taking over the argument of

¹ Arranged from Gide's *Political Economy*, translation by C. W. A. Veditz, pp. 331-333. D. C. Heath & Co., 1904.

an opponent and showing that it tends to prove not his case but your own. Thus Lincoln, in his Cooper Union speech, said:—

Some of you delight to flaunt in our faces the warning against sectional parties given by Washington in his *Farewell Address*. Less than eight years before Washington gave that warning he had, as President of the United States, approved and signed an act of Congress enforcing the prohibition of slavery in the Northwestern Territory, which act embodied the policy of the government, upon that subject, up to and at the very moment he penned that warning; and about one year after he penned it, he wrote Lafayette that he considered that prohibition a wise measure, expressing in the same connection his "hope that we should at some time have a confederacy of free states.

Bearing this in mind and seeing that sectionalism has since arisen upon this same subject, is that warning a weapon in your hands against us or in our hands against you? Could Washington himself speak, would he cast the blame of that sectionalism upon us who sustain his policy, or upon you who repudiate it? We respect that warning of Washington and we commend it to you, together with his example pointing to the right application of it.¹

V. TWO ESSENTIALS OF REFUTATION

After all, although the study of these special methods should prove suggestive, there are but two fundamental requisites of effective refutation,—the power of keen thinking and a thorough knowledge of both sides of the question. Neither of these essentials is possessed by those who regard debating as the recitation of memorized speeches, consisting of strings of quotations from

¹ Delivered at Cooper Union, New York City, February, 1860. Lincoln's *Complete Works*, The Century Company, vol. i, p. 606.

An equally good example is included in the eighth section of the tenth chapter of this book.

other men. Such parrot-like performances should not parade under the name of debating. They are not even preparation for debating. Indeed, it is an open question whether they do not hinder more than they help, and it is altogether true that they contribute nothing to the power of adapting refutation to the needs of the moment — the one power which fundamentally distinguishes the debater from the elocutionist. Any study which develops the faculty of independent and sound thinking prepares a man for the work of refutation; and when to this general training he adds an accurate and wide knowledge of the particular subject for argument, quite regardless of the material he may expect to need for a given speech, he possesses the two essentials of effective refutation.

NINTH CHAPTER

CONSTRUCTING THE BRIEF

“What is it that first strikes us and strikes us at once, in a man of education, and which, among educated men, so instantly distinguishes the man of superior mind? . . . The true cause of the impression made upon us is that his mind is methodical.” — S. T. COLERIDGE.

I. NATURE AND PURPOSE OF THE BRIEF

IMAGINE a child with the problem before him of putting together a dissected map of the United States. He has a box full of pieces in confusion. There is plenty of material for his purpose; so much, in fact, that he cannot survey it all at once. Where shall he begin? If he could only attack the problem part by part with a guide to the solution of each part, he might eventually bring order out of chaos. And here is the guide — a small outline map giving the boundaries of each state; giving, in heavier lines, the boundaries of New England and other groups of states; and, in still heavier lines, the boundaries of the whole country. In addition to this, the map indicates only the chief rivers and mountain chains; there is no detail, no coloring. The whole outline map is not much larger than a single elaborate section in his box. With one good look at this outline map, the child gets a fair idea of the contour of the whole country. He then fixes his attention on one of the main divisions, say New England. Keeping in mind the broad outlines and subdivisions of the part he is about to construct, he goes through his available material, selecting and rejecting. If he comes across a piece of material which

looks as though it might find place in the New England group, but does not quite fit, he consults his guide in search of a place which the piece in question exactly fits. If he has not found sufficient material to complete New England, as his guide tells him to complete it, he knows that he must continue his search, and he knows pretty well for what he is searching. Having constructed the main divisions one by one, he can put them together so that the whole elaborate structure shall be built in the shape of his little outline guide.

A brief is an outline guide. The whole brief is not much larger than a single division of the finished forensic. With one good look at his brief, a writer sees his whole work in its broad aspects; he understands the relation of parts; he perceives the right arrangement of the main divisions, and he is able to develop them one by one. He is constantly guided by his brief in the selection and rejection of material. It warns him when he is in danger of inserting evidence out of its place, or of omitting evidence necessary to the proof. Finally, the brief serves as a test of the firmness and logical sequence of the finished structure. The brief is to a man constructing a forensic what the outline is to a child constructing a map.

II. RULES FOR CONSTRUCTING THE BRIEF

That form of brief is best which best suits the purpose of the writer. There is no *one* correct method of drawing a brief. The most successful lawyers in New York have come to follow a certain form, which long practice has proved most efficient for their purposes. The laws of Illinois prescribe the form in which briefs shall be submitted to the courts of that state. But when a writer draws a brief solely for his own aid, he uses

that form which seems at the time most helpful. The form which has stood the test of many years of academic service, and which seems best adapted to the purposes of instruction, is the one built in conformity with the following twelve rules:¹—

GENERAL RULES

1. *A brief should be divided into three parts : Introduction, Proof, and Conclusion.*

2. *A brief should contain nothing but COMPLETE statements.*

Mere topics are insufficient. Every symbol should be followed by a complete statement. The following outline, although it might serve the purpose of an able and experienced speaker, would be of little use to a beginner in the study of argumentation, and of still less use to a reader.

¹ Any one who is inclined to regard the methods of analysis and brief-drawing here set forth as unnecessarily rigid and formal may be interested to observe how definitely the law prescribes the form in which briefs shall be submitted. The following is an extract from the laws of the State of Illinois regarding briefs presented before the Court of Appeals:—

“Each party shall file a printed brief in the case. The brief of appellant or plaintiff in error shall contain a short and clear statement of the case, including, first, the form of the action; second, the nature of the pleadings sufficiently to show what the issues were, and to present any question subject to review arising on such pleadings; third, in cases depending upon the evidence, the leading facts which such evidence proved or tended to prove, without discussion or argument and without detail; fourth, how the issues were decided upon the trial or hearing, and what the judgment or decree was; and fifth, the errors relied upon for a reversal. The statement so made will be taken to be accurate and sufficient, unless the opposite party shall, in his brief, point out wherein it is inaccurate or insufficient. Following the statement of the case, the brief shall conclude with the points made and the authorities relied upon in support of them; and in citing cases, the names of the parties must be given, with the book and page where the case is reported. No alleged error or point not contained in such brief shall be raised afterwards, either by reply brief, or in oral or printed argument, or on petition for rehearing.”

ANNEXATION OF CUBA

Introduction

Treaty of Paris.

United States Intervention.

Objections to Annexation.

Arguments in favor of Annexation.

Economic.

Social.

Moral.

Main Issues.

Proof

Economic Advantages.

Trade.

Fundamental Industries.

Effect on Trusts.

Sugar.

Question of national honor.

Official declarations about Cuba.

Intentions and changed circumstances.

Social inferiority of Cubans.

No other plan as good.

Conclusion

Annexation desirable.

The above vague outline gives but little idea of the main contentions or of the means of proving them. The gain in clearness due to the use of complete statements — and nothing but complete statements — will become evident upon an examination of the finished brief. (Appendix VIII.)

3. *Each statement should be marked by a single symbol to indicate its relation to other statements.*

Each statement in the Introduction to a brief is significant only because of its explanatory relation to one

of the essential steps in analysis. Each statement in the Proof of a brief is significant only because of its causal relation to the proposition, to one of the main issues, or to a subordinate statement. The relation of each statement to those preceding it and to those following it must, therefore, be clearly indicated. This relation can best be indicated by means of symbols. As uniformity and consistency are important for purposes of instruction, we shall do well to adopt the following arbitrary set of symbols:—

Symbols

The Proposition to be proved is true, for

I , for

A..... , for

1..... , for

a..... , for

x..... ,

y..... ,

z..... ,

b, etc. ,

2, etc. ,

B, etc. ,

II..... , for

A , for

1..... , for

a..... , for

etc.

RULES FOR THE INTRODUCTION

4. *The Introduction should contain as much information and as many of the steps in analysis as are necessary for an intelligent reading of the Proof.*

5. *Each of the steps in analysis should be clearly indicated as such.*

6. *The Introduction should set forth the Main Issues.*

7. *The Introduction should exclude every statement which requires proof.*

The reasons for insisting on these four rules for the Introduction of a brief are fully set forth in the second chapter. There we pointed out that the number of introductory steps which may be desirable for purposes of analysis and the order in which they may best be presented depends on the particular proposition and numerous attendant circumstances. In the following specimen Introduction, it happens that the order of steps differs from any order we have hitherto considered. The presence of the "agreed matter" is due to the fact that this Introduction was prepared by four students for a formal debate.

SPECIMEN INTRODUCTION

Proposition, The American Federation of Labor should enter politics as an independent party.

- I. The question arose primarily out of the clash of opinion as to the respective rights of capital and labor.
- II. The immediate cause of discussion, however, is the failure of Speaker Cannon, the House Committee of Labor, and the Judiciary Committee to act upon the Bill of Grievances presented to the House by President Gompers of the Federation and his associates.
- III. The history of the labor movement which leads up to the present question is a history of organization.
 - A. The American Federation of Labor was formed by Samuel Gompers in 1881.
 1. It represents 118 National Industries.
 2. There are 27,000 local unions.
 3. Its membership is 2,000,000.
 4. Growth for the last five years has been one third of a million a year.
 - B. The Labor Party in England entered politics and now controls 54 out of 670 votes in the English Legislature.
 - C. The American Federation of Labor has followed a different course.

1. At first it decided to attain its aims solely by industrial means.
2. During the last few years, it has attempted to accomplish its aims by entering politics.
 - a. It has fought nominees of the Republican and the Democratic parties.
 - x. The fight in Maine is an example.
 - b. A campaign programme was issued July 2, 1906.
 - c. A bill of grievances was sent to Congress March 21, 1906.

IV. A few definitions are necessary for an understanding of the question.

- A. By the American Federation of Labor is meant that union of unions which includes every kind of labor organization and has its president (now Samuel Gompers) and central board of directors in its executive council as recognized by the unions.
- B. Edmund Burke, in *Thoughts on the Cause of the Present Discontents*, defines "party" as "a body of men united for promoting by their joint endeavors the national interest upon some particular principle in which they are all agreed."
- C. To enter politics as an independent party is taken to mean to establish itself as such a distinct "party," hold conventions, nominate candidates, and endeavor to control the votes of its members.
- D. The word "should" is agreed to be equivalent to the phrase, "must in order to attain the highest efficiency in the accomplishment of its aims."

V. It is further agreed that the aims of the American Federation of Labor are:—

- A. Enforcement of law.
- B. Reduction of hours of labor.
- C. Friendly settlement of disputes.
- D. Providing labor for men out of employment.
- E. Education of children.
- F. Profit sharing.
- G. General social betterment.

VI. Since these definitions thus narrow the question, discussion of the general good or evil of labor unions, labor disputes, strikes, and all such matter pertaining to the present conditions in this country is extraneous.

VII. It is admitted by the negative (1) that the Federation has the legal right to enter politics, (2) that the Federation is able to form a party, (3) that the aims are laudable.

VIII. The question (restated as defined) is, therefore, whether the American Federation of Labor could attain the highest effi-

ciency in the accomplishment of its seven aims by organizing with the attributes, above named, of a separate political party?

IX. The affirmative answers X. The negative answers no, for yes, for

A. The Federation would be able to command its votes as a party unit because of the fundamental common interests of its members.

B. With this political power, the Federation would be more efficient in attaining its aims than without it.

A. The Federation could not possibly control the votes of so many men of such diverse interests and fixed political affiliations.

B. The political power even of a united Federation labor party would not be as efficient in attaining its aims as the present Federation working through existing parties.

XI. From this Clash of Opinion are derived the special issues: —

A. Would the American Federation of Labor be able to control its votes as a party unit if it should enter politics?

B. Would a Federation labor party, controlling its votes, be more efficient in attaining its seven aims than working, as at present, without such political power?

RULES FOR THE PROOF

8. *In the Proof each main statement should correspond to one of the main issues set forth in the Introduction, and thus stand as direct proof of the truth of the Proposition.*

Consider the following: —

PROPOSITION. The Annexation of Cuba to the United States would be for the interests of the United States, for

PROOF. I. The Annexation of Cuba would pay economically.

II. The present social inferiority of the Cuban people is not sufficient to offset the advantages of Annexation.

III. Annexation would be a social uplift to Cuba.

This briefing is objectionable because the statement marked III pretends to be *direct* proof of the proposition.

tion. It should be sub-head A under main-head II. (See complete brief, Appendix IV.)

9. *Each sub-statement should help to prove the truth of the statement to which it is subordinate.*

The object of the brief is to show in condensed form how the proposition may be proved. It follows that a statement is of importance in the argument of the brief only because it helps to prove an essential step in the reasoning. Accordingly, a statement must be so briefed as to show precisely what it helps to prove. This logical and invariable order of proposition and proof is the distinguishing feature of a brief. Unless each sub-statement helps to prove the truth of the statement to which it is subordinate, there is no brief. The result is confusion.

Turning back to our set of symbols, we see that each statement marked with a roman numeral should stand as direct proof of the proposition. Each statement marked with a capital letter should stand as proof of the Roman numeral statement under which it stands. Each statement marked with a small numeral should stand as proof of the capital letter statement under which it stands, and so forth as far as the sub-heads extend. If this rule is strictly followed, any succession of heads and sub-heads, read in order, — such as I, A, (1), *a*, or III, B, (2), *c*, — will make complete logical sense, even if the rest of the brief is ignored.

Consider the following specimen of faulty briefing: —

Wrong Form

- I. Secret societies in public high schools are unfair to non-members.
- II. They seek to control all school elections, for
 - A. They are undemocratic.

III. They should be prohibited.

IV. Of 800 principals interviewed, 95 per cent condemned the societies for selfish school politics.

A. They avowedly make no provision for the general social good of the school.

The above arrangement fails to indicate the relations of parts; it does not make clear just what division of the proof each statement helps to establish. The following arrangement, on the other hand, shows precisely what work each statement performs.

Right Form

Secret societies should be prohibited for

I. They are undemocratic, for

A. They are unfair to non-members, for

1. They seek to control all school elections, for

a. Of 800 principals interviewed, 95 per cent condemned the societies on this ground.

B. They avowedly make no provision for the social good of the whole school.

10. *Each symbol should stand for a SINGLE statement.*

Consider the following double headings:—

I. The beet sugar industry, which is of slight importance, would not be injured by the annexation of Cuba.

II. Conditions in Cuba have been averse to trade and annexation would remedy these conditions, for

a. Cuba has been in constant revolt.

Obviously not all of the statements under such double headings can stand as proof of *both* parts of the heading. The reader is therefore always bothered and usually confused in trying to find out which part of a double heading a given sub-statement is supposed to prove.

The writer is equally bothered and confused by double headings, first in revising his brief and second in writing his forensic. His rule should be to prove a single statement at a time.

11. *Each heading of the refutation should state clearly the argument to be refuted.*

Consider the following example of good phrasing: —

- (1) The argument that the Cuban tariff would not be removed if Cuba were annexed, since the Philippine tariff has not been removed, is an unsound analogy, for
 - a. The Philippines are not “annexed,” but simply “acquired territory” under a military government.
(For context, see Appendix IV.)

Another example is taken from the brief of Burke’s speech: —

- (2) Although it is urged that the colonists, if given representation, would attack the trade laws, this objection is worthless, for
 - a. These trade laws are admitted futile.
 - b. It is absurd to keep up revenue laws which are mischievous in order to preserve trade laws which are futile.
(For context, see Appendix V.)

The reason for insisting on this rule is emphasized in Section III of the eighth chapter.

RULE FOR THE CONCLUSION

12. *The conclusion should be nothing but a summary, without qualification or other change of phrasing, of the main parts of the argument, followed by an affirmation or denial of the proposition just as it stands at the head of the brief.*

III. DEVELOPMENT OF A SPECIMEN BRIEF

The question now arises, How shall we go to work to construct a brief? We can present no better answer than to draw a brief, step by step, just about as one would have to do for any argument. Suppose we take a question that covers familiar ground: "Should secret societies in public high schools be prohibited?"

Our first task is to analyze the question, according to the method fully set forth in the third chapter. In so doing, we shall present, as the first material of the Introduction, such undisputed facts in the Origin and the History of the question and such definitions as may be necessary for a right understanding of the Proof. We shall also here exclude as extraneous any related matter, not properly embodied in the question, which might mislead the discussion. We shall then have something like the following:—

FIRST STEP

Should secret societies in public high schools be prohibited?

INTRODUCTION

- I. Recently secret societies in public high schools have aroused great interest in many quarters:
 - A. Investigations by the University of Chicago in 1904-05, and later by a special committee of the National Education Association, have brought the question into public prominence.
 - B. Many school authorities are taking measures to abolish secret societies.
 - C. Members are protesting vigorously against such action.
 - D. Several cases are now before the courts.
- II. The leading facts in the history of the question are as follows:—
 - A. In public high schools fraternities and sororities sprang up about fifteen years ago, patterned directly after the college fraternity.

- B. For a brief period these societies prospered without exciting the active disapproval of educators.
 - (1) They increased in numbers and were strengthened by chapter systems all over the country.
- C. In 1904 the first movement against secret societies in secondary schools was set on foot by President Harper, of the University of Chicago.
- D. At the present time the question confronts educators whether or not these societies should be prohibited.

III. For this discussion the terms shall be thus defined: —

- A. *To prohibit* means to repress directly by constituted school authorities.
- B. *Secret societies* mean national Greek Letter societies of secondary public schools, including those for boys and those for girls, and all local organizations modeled on them, such as Delta Pi and Zeta Beta Psi.

IV. Any discussion of societies under faculty regulation is considered extraneous, in that such societies are not "secret" within the meaning of the position.

The next problem is that of finding the main issues. This is more difficult, for all the issues can be found only through contrasting all the contentions of both sides. To find the issues, therefore, demands an extensive knowledge of both sides of the question. To be sure, we might say, off-hand, that the whole controversy may be resolved into two main issues: (1) Would the prohibition of secret societies benefit the schools? (2) Would it benefit the pupils? But we should find, upon investigation, that the interests of schools cannot be separated from the interests of pupils. In other words, these issues are not, as they should be, mutually exclusive. Most of our evidence could be placed under either head, and we should therefore be no better off than before we attempted to analyze the question.

We shall find the issues of the present question by making note of all the contentions we can find, in conversation, in reading, and in thinking, on both sides of

the question. We shall ignore, for the present, the evidence in support of these contentions. We shall then tersely phrase each contention and write it on a separate card. The result is as follows:—

SECOND STEP

1. Secret societies have immoral tendencies.
2. Secret societies are analogous to college fraternities in meeting a social need.
3. School authorities have no jurisdiction legally over the conduct of these societies outside of school hours and school buildings.
4. The evils of secret societies can be checked only by the abolition of all societies.
5. The immoral practices attributed to secret societies exist in schools where there are no secret societies.
6. Secret societies are the result rather than the cause of undemocratic spirit in schools.
7. Secret societies lower the standard of scholarship through fostering idleness.
8. The best method of meeting such evils as exist is through punishing individual members.
9. School authorities have a legal right to prohibit any conduct of pupils which interferes with the general welfare of the schools.
10. Secret societies are undemocratic.
11. Secret societies stimulate their members to attain good scholarship for the honor of the society.

We shall now divide our cards into two packs,— numbers 1, 4, 7, 9, 10, being on the affirmative, and numbers 2, 3, 5, 6, 8, 11, on the negative.

Upon examining these five main contentions of the affirmative, we shall discover that three of them, namely numbers 1, 7, and 10, concern the effects of secret societies on schools and pupils. Accordingly, we shall group these three contentions under one head. We shall do the same with numbers 2, 5, 6, 11, on the negative side. Then, setting all the contentions of one side over against all the contentions of the other side, we shall have the following Clash of Opinion:—

THIRD STEP

- V. In the discussions that have arisen, those who advocate the prohibition of secret societies support the following contentions: —
- A. Secret societies exert bad influences over schools and pupils, in that
- (1) They have immoral tendencies.
 - (2) They lower the standard of scholarship through fostering idleness.
 - (3) They are undemocratic.
- B. These evils can be checked only by the abolition of the societies.
- C. School authorities have legal right to prohibit any conduct of pupils which interferes with the general welfare of the schools.
- VI. Those who oppose the prohibition of secret societies hold the following contentions: —
- A. Secret societies exert good influences over schools and pupils, in that
- (1) The immoral practices attributed to the societies exist in schools where there are no societies.
 - (2) They stimulate their members to attain good scholarship for the honor of the society.
 - (3) They are analogous to college fraternities in meeting a social need.
 - (4) They are the result rather than the cause of undemocratic spirit in schools.
- B. The best method of meeting such evils as exist is through punishing individual members.
- C. School authorities have no jurisdiction legally over the conduct of these societies outside of school hours and school buildings.

Through this Clash of Opinion we shall reach the following main issues and subordinate issues: —

FOURTH STEP

- A. Are secret societies in public high schools on the whole good or bad in the influence they exert over schools and pupils?
- This in turn may be resolved into these secondary issues: —
- (1) Do they exert immoral influences?

- (2) Do they lower the standard of scholarship?
- (3) Are secret societies socially objectionable through causing undemocratic spirit?
- B. Can such evils as exist be dealt with more successfully by prohibiting the societies or by punishing individuals?
- C. Can school authorities legally prohibit secret societies?

Turning from the Introduction to the Proof, we shall now arrange our evidence in groups corresponding to the issues. So far, it has been of no consequence which side of the proposition we intended to prove. The introductory work of analysis, being wholly impartial, is the same for both sides. Now we shall take up the Proof of the affirmative. As we have carefully made note of separate arguments on separate cards,¹ we can now sort our cards without confusion. Into the first group we shall place all of the evidence thus far collected which tends to prove the first issue. The result will be more than we can handle at once. We shall therefore arrange this evidence in three groups, corresponding to the three subordinate issues under the head of the first main issue. Into one of these groups we shall place all the material bearing on the first subordinate issue, namely, whether secret societies exert immoral influences over schools and pupils. We shall then have the following result: —

FIFTH STEP

1. The meetings are often scenes of vice.
2. Of the 185 principals who reported to the National Education Association, only four testified that they had observed no immoral practices.
3. One principal says, "Their demoralizing influence was constant and thoroughly evident."
4. Former members acknowledge that the meetings are often scenes of vice.
5. A majority of school principals reported to the Chicago Commit-

¹ According to the method explained in the third chapter.

tee that drinking, gambling, and late hours are habitual at such meetings.

6. One principal says that pupils do "unmanly deeds as a body in secret that no one would think of doing openly."

Upon examining this evidence we find that 4 and 5 tend to prove 1, and that 2, 3, and 6 tend to prove that school authorities testify almost unanimously to the general immoral tendencies of secret societies. Rearranging these statements, then, according to Rule 9, we shall secure the following:—

SIXTH STEP

- A. They exert immoral influences, for
 - 1 The meetings are often scenes of vice, for
 - a. Former members acknowledge this.
 - b. A majority of school principals reported to the Chicago Committee that drinking, gambling, and late hours are habitual at such meetings.
 2. School authorities testify almost unanimously to the general immoral tendencies, for
 - a. One says, "Their demoralizing influence was constant and thoroughly evident."
 - b. Another says that pupils do "unmanly deeds as a body in secret that no one would think of doing openly."
 - c. Of the 185 principals who reported to the National Education Association, only four testified that they had observed no immoral tendencies.

The proof of this point is not yet complete, however, since it ignores the contentions of the other side. Those who oppose the prohibition of secret societies say that all should be spared which manifest no immoral tendencies, and they cite the societies at Erasmus Hall School and Exeter Academy as morally sound. We shall therefore add to our constructive proof the following refutation.

SEVENTH STEP

3. Even though the immoral influences of a secret society in a given school may not be evident, or even exist at a given time, yet all societies should be prohibited, for

- a. Immorality is likely to appear at any time, for
 - x. The above testimony shows a general tendency toward immoral practices.
 - y. Membership is constantly changing.
 - z. A committee of the Portland (Maine) School Board says: "Other evils, from which we may now be comparatively free, are likely to appear at any time."
- 4. Although the societies at Erasmus Hall School, Brooklyn, and at Exeter Academy are reported as morally sound, yet these are not fair cases, for
 - a. They are not really secret societies, for
 - 1. A faculty member is obliged to attend every meeting.

We shall next take up the group of cards that tends to prove that secret societies lower the standard of scholarship, and arrange them according to the rules for briefing. In the same way we shall prepare the proof for the third subordinate issue, and for the second and third of the main issues. In each case we shall mark the refutation as such, and give exact references in the margin to the sources of our evidence. The result will be a complete working brief, which we shall further strengthen by the addition of new arguments, authorities, references, and refutation, and by progressive rearrangement of parts. The following brief is not presented as a finished and faultless specimen. It was drawn up and used by two students for the purpose of a class debate. It is such a piece of work as any student ought to be able to prepare after studying the principles and illustrations so far set forth.

IV. COMPLETE WORKING BRIEF

Secret societies in public high schools should be prohibited.

INTRODUCTION

- I. Recently secret societies in public high schools have aroused great interest in many quarters.

- A. Investigations by the University of Chicago in 1904-05, and later by a special committee of the National Education Association, have brought the question into public prominence.
- B. Many school authorities are taking measures to abolish secret societies.
- C. Members are protesting vigorously against such action.
- D. Several cases are now before the courts.

II. The leading facts in the history of the question are as follows:—

- A. In public high schools fraternities and sororities sprang up about fifteen years ago, patterned directly after the college fraternity.
- B. For a brief period these societies prospered without exciting the active disapproval of educators.
 - (1) They increased in numbers and were strengthened by chapter systems all over the country.
- C. In 1904 the first movement against secret societies in secondary schools was set on foot by President Harper, of the University of Chicago.
- D. At the present time the question confronts educators whether or not these societies should be prohibited.

III. For this discussion the terms shall be thus defined:—

- A. To *prohibit* means to repress directly by constituted school authorities.
- B. *Secret societies* mean national Greek Letter societies of secondary public schools, including those for boys and those for girls, and all local organizations modeled on them, such as Delta Pi and Zeta Beta Psi.

IV. Any discussion of societies under faculty regulation is considered extraneous, in that such societies are not “secret” within the meaning of the proposition.

V. In the discussions that VI. Those who oppose the have arisen those who ad- prohibition of secret so-

vocate the prohibition of secret societies support the following contentions: —

A. Secret societies exert bad influences over schools and pupils, in that

(1) They have immoral tendencies.

(2) They lower the standard of scholarship through fostering idleness.

(3) They are undemocratic.

B. These evils can be checked only by the abolition of the societies.

C. School authorities have a legal right to prohibit any conduct of pupils which interferes with the general welfare of the schools.

cieties hold the following contentions: —

A. Secret societies exert good influences over schools and pupils, in that

(1) The immoral practices attributed to the societies exist in schools where there are no societies.

(2) They stimulate their members to attain good scholarship for the honor of the society.

(3) They are analogous to college fraternities in meeting a social need.

(4) They are the result rather than the cause of undemocratic spirit in schools.

B. The best method of meeting such evils as exist is through punishing individual members.

C. School authorities have no jurisdiction legally over the conduct of these societies outside of school hours and school buildings.

VII. Through this clash of contentions we reach the following issues upon which the question hinges:—

A. Are secret societies in public high schools on the whole good or bad in the influence they exert over schools and pupils?

This in turn may be resolved into these secondary issues:—

(1) Do they exert immoral influences?

(2) Do they lower the standard of scholarship?

(3) Are secret societies socially objectionable through causing undemocratic spirit?

B. Can such evils as exist be dealt with more successfully by prohibiting the societies or by punishing individuals?

C. Can school authorities legally prohibit secret societies?

PROOF

Secret societies in public high schools should be prohibited, for

I. Secret societies exert bad influences over schools and pupils, for

A. They exert immoral influences, for

1. The meetings are often scenes of vice, for

a. Former members acknowledge this.

b. A majority of school principals reported to the Chicago Committee that drinking, gambling, and late hours are habitual at such meetings.

2. School authorities testify almost unanimously to the general immoral tendencies, for

a. One says, "Their demoralizing influence was constant and thoroughly evident."

b. Another says that pupils do "unmanly deeds as a body in secret, that no one would think of doing openly."

c. Of the 185 principals who reported to the National Education Association, only four testified that they had observed no immoral tendencies.

N. E. A. *Proceedings*, 1905, p. 447. Testimony of W. H. Smiley, of Denver.

(First-hand evidence, not in print.)

School Review, vol. xiii, p. 5.

O. D. Robinson, Prin. of Albany H. S., N. Y.

Prin. of H. S., Ann Arbor, Mich.

Prin. G. B. Morrison, of St. Louis (all three in N. E. A. *Report*, p. 446.)

(Refutation.)

3. Even though the immoral influences of a secret society in a given

school may not be evident or even exist at a given time, yet all societies should be prohibited, for

a. Immorality is likely to appear at any time, for

x. The above testimony shows a general tendency toward immoral practices.

y. Membership is constantly changing.

z. A committee of the Portland (Maine) School Board says: "Other evils, from which we may now be comparatively free, are likely to appear at any time."

Daily Eastern Argus
(Portland, Me.), Nov.
26, 1907.

(Refutation.)

4. Although the societies at Erasmus Hall School, Brooklyn, and at Exeter Academy are reported as morally sound, yet these are not fair cases, for

a. They are not really secret societies, for

(1) A faculty member is obliged to attend every meeting.

Review of Reviews:
Sept. 1907, p. 340.
Article by M. Melius.

B. Secret societies lower the standard of scholarship, for

1. They foster idleness outside the school.

2. Students who drink and gamble late into the night cannot do their best work the next morning.

3. Principals and teachers who are elected honorary members often toady to members of societies, for

a. They wish to return the favor of election.

4. Principals and teachers who are not honorary members are inclined to toady to a society member, for

a. They have reason to desire election if the societies continue, for

x. The society members are hostile to teachers who are not members.

b. The societies are intimidating forces, for

x. This is shown by the fear of principals to allow the use of their names.

5. They lessen the good which debating societies, school papers, and similar student activities may yield, for

a. The societies keep out able students, for

x. The societies introduce cheap politics.

Report of Committee
of the N. E. A. on
Secret Fraternities,
G. B. Morrison,
Chairman. Found in
N. E. A. *Proceedings*,
1905, p. 445.
(Hereafter called N.
E. A. *Report*.)

N. E. A. *Report*, p.
447.

N. E. A. *Report*, p.
446.

6. They interfere with good order, for
 - a. Silly initiation practices tend to invade the school.
 - b. The national organizations encourage contempt for school authority.
 - c. They "foster a clannish spirit of insubordination, which results in much evil to the good order, harmony, discipline."

(C, 2, a, below.)

Supreme Court of Washington; decision fully reported in *Journal of Education*, Dec. 6, 1906.

(Refutation.)

7. Although it is argued that members try to attain high scholarship for the honor of the society, yet this contention is weak, for
 - a. They do not honor high scholarship in electing members.
 - b. It is unreasonable to suppose that principals would almost unanimously oppose a real aid to scholarship.
- C. Secret societies are socially objectionable through causing undemocratic spirit, for
 1. Membership is not based on worth, for
 - a. The committee in Melrose (Mass.) found that membership is awarded to "good dollars, good looks and parental wealth."
 - b. Principal G. B. Morrison, after long investigation, said: "I have not noticed that their ability as students, their manliness, or independence of character has much to do in their selection by fraternities."
 - c. They discriminate against the poorer classes.
 2. They are not conducive to good citizenship, for
 - a. They show little respect for school law and discipline, for
 - x. In Seattle, they showed only "contempt for school authority."
 - y. They are encouraged in this by the parent organization.
 - b. They train their members in corrupt politics, for
 - x. They employ the methods of the ward boss.
 - y. Their members are bound by oath to disregard the rights of non-members.
 - z. Their members are bound to vote in school elections, not according to the dictates of conscience, but

(C, 1, below.)

F. W. Coburn, in the *Journal of Education*.

N. E. A. Report.

Letters from Principal Geiger, of Seattle, in *Beta Theta Pi Monthly*, Feb. 1907, p. 306.

Editorial from the *Gamma Eta Kappa Magazine*, quoted in above journal.

according to the dictates of ring-leaders.

3. They are unfair to non-members, for
 - a. They seek to control all school elections, for

- x. Of 800 principals interviewed, 95 per cent condemned the societies on this ground.

- b. Discrimination against the poor is unfair in public institutions supported by general taxation.

- c. They avowedly make no provision for the general social good of the school.

4. They tend to destroy school spirit, for

- a. Loyalty to society comes before loyalty to school.

- b. Facts stated in C, 1, 2, 3, make against school unity.

- c. School authorities testify to this fact, for

- x. Principals so testified before the Committee of the N. E. A.

- y. Principal Simonds says, "They kill absolutely all true school spirit."

- z. The Trustees of Coburn Classical Institute say, "Secret societies foster interests inimical to the best democratic fellowship."

Sum of those reported above, together with the Conn. investigation. (Found in Mass. Board of Education Report, p. 69.)

N. E. A. Report.

H. D. Simonds, Prin. of Bridgeport (Conn.) H. S.

Act, abolishing societies at C. C. I., Waterville, Maine, Oct. 21, 1907.

(Refutation.¹)

5. Although the alleged social advantages of college fraternities are adduced as evidence in favor of high school fraternities, yet the analogy is unsound, for

- a. College students, being away from home, are forced to make their own social life.

- b. College fraternities are also undemocratic and destructive of college spirit.

(Refutation.)

- D. Although it is held that secret societies are the result rather than the cause of immoral tendencies, low scholarship, and undemocratic spirit among their members, since these evils exist where there are no secret societies, yet the contention is weak, for

1. Secret societies tend to accentuate these evils, for

¹ This refutation (5 under C) is placed here because it is presented in answer to an objection to C. The following section of refutation is marked as a main section (D) under I, because it is presented in answer to objections to the whole Section I.

- a. A group will do immoral acts which individual members of the group would not do alone.
 - b. Young people waste more time when united for pleasure.
 - c. Pupils, when organized, will resist school authority who would never do so individually.
 - d. Secret societies draw social lines sharply.
2. Certain evils considered above grow directly out of the initiation oaths.
 3. In addition to the evidence cited above, we have the unanimous testimony of the 15 principals and 375 teachers in Chicago high schools characterizing "the influence of the fraternities and societies as harmful to scholarship and to discipline, as un-American and undemocratic."
 4. It is unreasonable to suppose that these hundreds of teachers, with the best possible opportunities to know the facts, could be unanimously deceived as to causal relations.
- II. Such evils as exist can be dealt with more successfully by prohibiting the societies than by punishing individuals, for
- A. The evidence shows that the immoral practices are pretty general.
 - B. The undemocratic tendencies are inherent in the very nature of the societies.
 - C. The society interferes with school harmony and order by protesting, as a body, against the punishment of individual members.
 - D. If need be, a few innocent pupils must sacrifice the pleasures of the societies for the good of the whole school, for
 1. This is consistent with the purposes for which public schools are founded and maintained.
 - E. The method of punishing individuals is unjust, for
 1. Secrecy makes it difficult, if not impossible, for authorities to tell what individuals deserve most punishment, for
 - a. The ring-leaders are often the most skillful in escaping detection.
- III. School authorities have a legal right to prohibit secret societies, for
- A. School authorities are authorized to adopt and enforce such regulations as may be deemed essential to the well-being of the school.
 - B. If pupils do not comply with the regulations established for the government of

(Note: C, 2, a, y; 2, b, z; 3, a; 3, c.)

Sixty-ninth Annual Report of the Massachusetts Board of Education, Jan. 1906, p. 193.

Ballinger's *Annotated Codes and Statutes*, Sec. 2362, Subdiv. 5.

Ballinger, Sec. 2339.

the school, "school directors are authorized to suspend or expel such pupils."

- C. Decisions based on these provisions have been handed down by Supreme Courts, for

1. The case of *Kinzer v. Directors in Iowa* was so decided.
2. The case of *Board of Education v. Booth* in Kentucky was so decided.
3. The case of *Watson v. City of Cambridge* in Massachusetts was so decided.

(Iowa) 105 N. W. 686.

(Kentucky) 62 S. W. 872, 52 L. R. A. 787.

(Mass.) 32 N. E. 863.

- D. The right to prohibit secret societies has been sustained in numerous cases, for

1. In Seattle, the right of the school board to deny members of secret societies "all the privileges of the high school except those of the class-room" was affirmed by the local court.
2. This decision was reaffirmed, on appeal, by the Supreme Court of the State of Washington.

Wayland v. Board of School Directors (86 Pacific Reporter); also *Beta Theta Pi Monthly*, Feb. 1907, p. 300.

Same source: Decision rendered, August 15, 1906.

(Refutation.)

3. Although the Chicago Courts issued an injunction against the Board of Education in its attempt to suppress high school fraternities, yet the decision did not stand, for

Journal of Education, Sept. 1907.

- a. The courts, after mature deliberation, reversed their action, and dissolved the injunction.

(Refutation.)

- E. Although it is argued that school authorities cannot prohibit meetings held outside of school buildings and school hours, yet courts have ruled otherwise, for,

1. A Vermont court declared "that a teacher has the right to punish a pupil for an offense committed out of school hours and away from the school precinct."
2. Several courts have declared that school authorities have power, granted by the state, to exercise control over school children wherever and whenever such control is necessary to the general welfare of the schools.

Lander v. Seaver, 32 Vt. 114.

Board of Education v. Helston, 32 Ill. App. 300.

Burdick v. Babcock, 31 Iowa, 562.

Deskins v. Gose, 85 Mo. 485.

Jones v. Cody, 62 L. R. A. 160.

Other decisions are summarized in *Education*, Jan. 1908, p. 265.

Am. Rep. 496, Supreme Court of Indiana.

(Refutation.)

- F. Although the case of *State ex rel. Stallard v. White*, 82 Ind. 278, is cited against the legality of our proposition, yet the case is beside the point, for

1. The case concerned applicant before his admission to the institution.

CONCLUSION

- I. Since secret societies in public high schools exert bad influences over schools and pupils, morally, intellectually, and socially ;
- II. Since the plan of dealing with individual members cannot eradicate the evils ;
- III. Since it is within the jurisdiction of the law, as stated in general principles and affirmed by numerous test cases, to prohibit such organizations ;
Therefore, secret societies in public high schools should be prohibited.

V. SUMMARY OF THE RULES FOR CONSTRUCTING THE BRIEF

- 1. A brief should be divided into three parts: Introduction, Proof, and Conclusion.
- 2. A brief should contain nothing but complete statements.
- 3. Each statement should be marked by a single symbol to indicate its relation to other statements.
- 4. The Introduction should contain as much information and as many of the steps in analysis as are necessary for an intelligent reading of the Proof.
- 5. Each of the steps in analysis should be clearly indicated as such.
- 6. The Introduction should set forth the main issues.
- 7. The Introduction should exclude every statement which requires proof.
- 8. In the Proof each main statement should correspond to one of the main issues set forth in the Introduction, and thus stand as direct proof of the truth of the Proposition.
- 9. Each sub-statement should help to prove the truth of the statement to which it is subordinate.
- 10. Each symbol should stand for a single statement.
- 11. Each heading of the refutation should state clearly the argument to be refuted.

12. The conclusion should be nothing but a summary, without qualification or other change of phrasing, of the main parts of the argument, followed by an affirmation or denial of the proposition just as it stands at the head of the brief.

TENTH CHAPTER

DEVELOPING THE ARGUMENT FROM THE BRIEF: RELATION OF THE BRIEF TO THE COMPLETE ARGUMENT

"We doubt whether a man ever brings his faculties to bear with their whole force on a subject until he writes upon it. By attempting to seize his thoughts and fix them in an enduring form, he finds them vague and unsatisfactory to a degree which he did not suspect, and toils for a precision and harmony of views of which he never before felt the need." — CHANNING.

THE relation of the brief to the complete written argument may best be seen by observing them side by side. The following brief and argument, substantially in their present form, were prepared by a college student as a part of his work in a course in argumentative writing. This specimen, like that in the last chapter, is not presented as a finished masterpiece, but as an illustration of the kind of work any student may hope to do after a conscientious study of the principles and illustrations here set forth. The references are omitted from this brief, in the interests of simplicity, as the present object is to illustrate how the complete argument is developed from the brief. The parts of an argument should not be labeled with technical terms: the terms are here used only for purposes of instruction. In this chapter the complete argument is printed only on the right-hand pages, facing the brief on the left-hand pages from which the argument in its present form was developed

STUDENT'S BRIEF

If it were possible, would a property qualification for the exercise of the municipal franchise be desirable?

INTRODUCTION

- I. Corruption and inefficiency in the government of American cities give rise to the question whether there should be a property qualification for the exercise of the municipal franchise.
- II. "Property qualification" means the restriction of the privilege of voting to those who own a certain amount of property or pay a certain amount of rent, the amounts to vary with local conditions.
- III. The main facts in the history of the question are as follows:—
 - A. Before the Revolution, each of the thirteen colonies had a property qualification.
 - B. Rhode Island, the only state to retain the provision, reduced the restrictions, after Dorr's Rebellion in 1841, to about their present status.

STUDENT'S ARGUMENT

If it were possible, would a property qualification for the exercise of the municipal franchise be desirable?

INTRODUCTION

"The one conspicuous failure in American government," says James Bryce, "has been in the case of municipal administration." This dictum, however distasteful it may seem, has been accepted by students of government everywhere. We may dispute as to the causes of our failure in city government, and we may question the efficacy of proposed remedies, but we must all agree that our cities are corruptly and inefficiently governed. To remedy this condition it has been urged that a property qualification for the exercise of the municipal franchise is desirable.

The proposed property qualification has the following general provisions: Only persons, not otherwise excluded, who own a certain amount of property or pay a certain annual rental, shall have the right to vote in municipal elections; and the amount of property or annual rental required shall be fixed according to local conditions, by local boards of unbiased statisticians. Thus the qualification would vary according to local condition, but in each case it would be intended to disfranchise the poorer element in the community.

The proposed plan for restricting the franchise is by no means a new and untried device. Before the American Revolution there existed in each of the thirteen colonies a property qualification. The Revolution, however, bringing with it the theory of the equality of man, led to the abolition of the limitation in all the states except Rhode Island.

In Rhode Island the popular feeling against the few property-holders who controlled the suffrage became so bitter that in 1841 a large part of the populace, led by Captain Dorr, rebelled, and as a result the qualification was reduced so as to admit to the suffrage all who owned \$134 worth of real estate or paid an annual rental of \$9. Since 1841, slight amendments

Origin of
Question.

Definition
of Terms.

History of
Question.

C. During the last half century the corruption in city government has been aggravated by two chief causes: —

(1) There has been a great increase of immigration.

(2) There has been a great influx from country to city.

D. In 1883, a committee of the New York Legislature reported in favor of a property qualification.

E. In 1887, a similar committee in Pennsylvania reported against a property qualification.

F. A recent proposal to abolish the Rhode Island qualification, by amending the Constitution, was rejected.

IV. Those who favor a property qualification for the exercise of the municipal franchise hold the following contentions: —

A. A property qualification would reduce corruption, in that

have been made to the Rhode Island qualification, but it is essentially as reformed at that date.

For several years after Dorr's rebellion, the property qualification was a dead issue. But a change was taking place in American cities. There began, about 1850, a tremendous increase in immigration from Europe, and the immigrants largely settled in the cities. Furthermore, because of the increase in our manufacturing, there was an influx from the country to the city. Both of these causes led to a rapid increase in our urban population, and with this increase came corruption and extravagance.

In 1883, Governor Tilden (observing the shameful misgovernment of the cities of the Empire State) appointed a committee of the New York Legislature to consider the advisability of a property qualification for the exercise of suffrage. This committee, consisting of twelve Assemblymen, reported unanimously in favor of a modified property qualification. It proposed that in each city there should be a finance committee to raise and spend all money, and to be elected by those who owned over \$500 worth of property or paid an annual rental of \$250; all other municipal officers should be elected by universal manhood suffrage. This report, however, was never acted upon.

Again, in 1887, a similar committee was appointed by the Governor of Pennsylvania. This committee reported against a property qualification; for "a qualification requiring the ownership of \$500 worth of property or the payment of an annual rental of \$250 would exclude from the franchise many desirable voters, while it would not exclude the tenants of low grog-shops and other disreputable establishments."

The last legislative proposal relative to the property qualification was a proposed amendment to the Rhode Island constitution, for abolishing the Rhode Island qualification. This amendment, however, was rejected.

Having briefly reviewed the history of the proposed remedy, let us examine the arguments advanced in its favor. It is urged that a property qualification would reduce corruption, since it would disfranchise the corrupt element and deprive the bosses of their support. It is

**Affirmative
Arguments.**

- (1) It would disfranchise the corrupt element.
- (2) It would deprive the bosses of their support.
- B. Those who would be disfranchised should not have the privilege of voting, in that
 - (1) They are for the most part improvident, lazy, and illiterate.
 - (2) They have no stake in the government.
- C. The disfranchised element would still be trained in voting, in that
 - (1) They would vote in state and national elections.
- V. Those who oppose such a qualification hold the following contentions:—
 - A. A property qualification would not greatly reduce corruption, in that
 - (1) The economic standing of an individual is no fair test of character or of judgment.
 - (2) The corrupting element would not be disfranchised.
 - B. A property qualification would disfranchise those who should have the right to vote, in that
 - (1) Many poor people have good character and good judgment.
 - (2) The best government results from the representation of all classes.
 - C. A property qualification would produce serious evils, in that
 - (1) It would retard public improvement.
 - (2) It would remove the educational force of universal suffrage.
 - (3) It would increase social unrest.
 - D. The evils of city government can be better remedied by other means.
- VI. The question of the legality of the proposed plan is extraneous, in that

held, further, that those who would be disfranchised should not vote, since they are for the most part improvident, lazy, and illiterate, and since they have no stake in the government. Finally, it is said that the proposed plan would not deprive any men of training in citizenship, since they could still vote in state and national elections.

Those who oppose a property qualification maintain that a property qualification would not, as its friends contend, greatly reduce corruption, for the reasons that the economic standing of an individual is no fair test of his character and judgment, and the corrupting element would not be disfranchised. The opponents of the plan contend further that it would disfranchise those who should be allowed to vote, for many poor people have good character and good judgment, and the best government can be attained only when all classes of society have fair representation. As a third contention it is held that a property qualification would produce serious evils, since it would retard public improvement, it would remove the educational force of universal suffrage, and it would increase social unrest. Further opposition is based on the contention that the present evils of municipal government can be better remedied by other means.

Before moving to a consideration of these contentions, however, it may be well to fix clearly the limits of the question. In the first place, it should be noted that we need not here consider the legality of a property qualification. Although there are those who question the right of the state to limit the suffrage, yet the decisions

**Negative
Arguments.**

**Exclusion of
Extraneous
Matter.**

- A. The Supreme Court has decided that question.
- B. The proposition rules out that question by the phrase, "if it were possible."

VII. The discussion can be further limited, in that

- A. We admit that our city governments are corrupt and inefficient.
- B. For present purposes, we waive the question whether those who would be disfranchised would surrender their right without violent opposition.

VIII. This clash of opinion and narrowing of the question reveals the following main issues:—

- A. Would the property qualification reduce corruption and inefficiency in our cities?
- B. Should those who would thus be disfranchised have the privilege of voting?
- C. Would a property qualification lead to serious evils?
- D. Could the present evils in city government be better remedied by other means?

PROOF

A property qualification for the exercise of the municipal franchise is undesirable, for

- I. A property qualification would not reduce corruption and inefficiency in our cities, for

of the Supreme Court, in the cases of the educational and residence qualifications, hold that the extent of the suffrage is within the power of the state to decide. Moreover, the proposition we are now discussing expressly limits the discussion to the desirability of the proposed plan. Into this question we need not enter.

Furthermore, it is not necessary to convince any one that our city governments are corrupt and inefficient. We accept as an axiom that our larger cities need reform, **Admitted and** and we shall here consider only the merits of the **Waived Matter.** proposed reforms. Finally, for the purposes of this discussion, we waive consideration of the question whether those who now enjoy the suffrage, and who would be disfranchised by the proposed limitation, would be willing peaceably to surrender their right, if it seemed necessary for the general welfare.

We are therefore ready to deal with the merits and demerits of the proposed property qualification, aside from its legality or practicability. We are prepared to consider it **Main** judiciously, as citizens realizing the shameful **Issues.** conditions in our cities, and intent on finding an adequate and suitable remedy. The issues that we must consider are: First, would the property qualification reduce corruption and inefficiency in our cities? Second, should those who would thus be disfranchised have the privilege of voting? Third, would a property qualification lead to serious evils? and fourth, could the present evils in our city government be better remedied by other means?

PROOF

The advocates of a property qualification confidently assert that it would remove corruption and inefficiency from our cities, because, as they say, it would remove the element in our electorate which is responsible for corruption. In this they assume that the poorer element in a community is *prima facie* the corrupt element. It is perfectly true that our criminal courts handle more residents of the slum districts than of the middle or upper class of the community. It is also true that the city

First Issue:
Refutation
of First
Affirmative
Contention.

A. The economic standing of an individual is no fair test of his virtue or civic ability, for

- (1) Poverty and corruption do not necessarily go hand in hand.

B. It would not disfranchise the corrupting element, for

- (1) It would not disfranchise the men who buy contracts and votes, for

- a. These men have plenty of ill-gotten gain.

- (2) Although it is held that such a plan would deprive the bosses of their support, yet this is not the outcome of experience, for

- a. Rhode Island bosses still find men to corrupt, for

- x. Governor Garvin says that bribery at elections is practiced in every Rhode Island city.

- y. Lincoln Steffens says the cities of Rhode Island are among the most corrupt in the Union.

boss exerts more control over the slum-dwellers than over the upper or middle classes. But it is a long leap from these facts to the above conclusion. To say that since a certain locality is poor and corrupt, therefore poor people are as a class corrupt, seems to be a case of hasty generalization. Surely such reasoning cannot be used in favor of a radical change in local government. The fundamental question that arises here is, Can the economic standing of an individual be considered a fair test of his virtue or civic ability. Granted that a man is poor, — very poor, — that he lives in a locality where rents are very cheap, is that *prima facie* evidence that he is corrupt? If not, why will disfranchising this class of our citizens reduce corruption? The reason is not clear. It is not clear that the state can draw a line through society and say, "Here on the one hand are the property holders and those who pay a high or moderate rent, with virtue; and, on the other hand, here are the non-property holders and low-rent payers, with corruption."

That this attempt to disfranchise the corrupt is ill-adapted is further shown by the fact that it would not disfranchise the corrupting element, — the men who buy contracts and employ "floaters" and "ward-heelers." These men, as a rule, live in affluence on the money they can steal from the public, and they would still be free to pursue their corrupt practices. But the advocates of the property qualification would answer, "No, the people who put these city corrupters in power would be disfranchised, so that the corrupt bosses would thus lose their support." The fact is, however, that in Rhode Island, where the "submerged tenth" is disfranchised, the corrupt bosses still get into power and find people to corrupt. According to Governor Garvin's report to the legislature in 1901, every city in Rhode Island is contaminated by bribery at election time, and according to Lincoln Steffens the cities of Rhode Island are among the most corruptly governed in the Union. Evidently political corruption is not peculiar to the poorer classes of our city population. It permeates society, and is as likely to crop out on Fifth Avenue as on Cherry Hill.

If further proof is needed that a property qualification would not reduce corruption, we may turn to the experience

- C. The property qualification in the cities of England did not reduce corruption. .

- II. Those who would be disfranchised by a property qualification should have the privilege of voting, for

- A. Many of these contribute an honest, progressive element to our electorate, for

- (1) Many clerks, students, and young professional men of good character and good judgment are very poor.

of England. England has had a property qualification from time immemorial. Yet up to 1883 the city governments were as corrupt as any that now exist. In that year a committee of Parliament was appointed to investigate conditions. The report of this committee shows that though the lower elements were excluded from the franchise, yet the most shameful corruption was practiced at city elections all over England. The full report of this committee is given in the Appendix of Mr. Ivin's *Machine Politics*. But the significant thing about this report is that it led to a sane and effective remedy for English corruption, — not to further limitation of the franchise, but to the passage of Corrupt Practices Acts. Since 1883 corruption has become rare in English cities, and Englishmen may proudly boast that they have the best governed cities of the world.

From the above, then, we may conclude that both reason and experience show that a property qualification would not reduce corruption in our cities.

Next we must consider whether those who would be excluded by a reasonable property qualification ought to be excluded. The advocates of a property qualification affirm that the people who would be disfranchised would be improvident, lazy, or illiterate, else they would own property or pay a rent sufficient to qualify them. Now, although we willingly concede that many of our city poor are lazy, improvident, and illiterate, which indeed may be said of other classes in the community, yet we contend that many of the city poor are not so, and would make desirable voters. There are in all of our cities many young men — clerks, students, and professional men — whose character and judgment contribute an honest, progressive element to our electorate, and yet who are under the necessity of living in cheap dwellings. A large number of men of this type would be disfranchised by any effective property qualification. These men for the most part have all the qualities that go to make good voters. Could we afford to disfranchise these voters under any circumstances? Would not the remedy be worse than the disease?

But there is another phase of this question which demands

**Second Issue:
Refutation
of Second
Affirmative
Contention.**

B. All men have a stake in the government, for

- (1) Although it is held that only those who pay the city bills should spend the money, yet this is based on a false assumption, for
 - a. A city is a political rather than a business organization.
 - b. The right of government does not proceed from property-holding, but just the opposite.
- (2) The health, safety, and convenience of every person depends on efficient city government.

C. The best government is that in which all classes are represented, for

- (1) This is an axiom of the Declaration of Independence.
- (2) This is the testimony of Gladstone.
- (3) This is the testimony of ex-Mayor Low.

our attention. Those who favor a property qualification assert that people who do not pay taxes have no stake in the city government. The people who pay the city bills, they say, should decide how the money is spent. This sounds plausible enough at first, but evidently it is founded on the false assumption that the city is a business rather than a political institution. It is based on the idea that the right of government proceeds from property-holding, while the fact is recognized by all civilized peoples that the right of property-holding proceeds from the government. The former is the feudal idea; the latter is the democratic idea.

Having straightened out our premises, let us see whether it is true that those who would be disfranchised have no stake in the government. We have found that a city government is a *political institution*. Its function is not to make or save money, but to administer to the needs of the people. If the sewerage or water department does not do its work, the health of every citizen is endangered. Bacilli are no respecters of persons. If the fire department is inefficient, the life and property of every citizen is endangered. If the park and street departments are poorly administered, all are inconvenienced. If the officers are incapable or dishonest, the health, safety, and convenience of every citizen is neglected. The obvious conclusion is that every citizen has a stake in the city government.

And, finally, all classes should vote, because the best government is that in which all classes are represented. Volumes might be written on this thesis. The history of Greece, of Rome, and of the feudal empires might be cited. But it seems scarcely necessary to prove a proposition which was accepted as axiomatic by the founders of this country, and which indeed was stated as an axiom in our Declaration of Independence. As Gladstone says, in his *Gleanings of Past Years*, "Each class knows something, and something material to the general welfare, which the other classes do not know. There are some questions on which the lower class is better fitted to decide than the upper class." And, to quote ex-Mayor Low, "In government we need the influence of the class that feels as well as of the class that thinks."

III. A property qualification would produce serious evils, for
A. It would retard public improvement, for

(1) The interests of property holders and of the
public conflict, for

a. This was shown in the opposition of
tax-payers to the Beacon Street
Boulevard.

b. This was shown, in 1892, in the ob-
jection of tax-payers to granting
needed funds for New York City
schools.

c. This was shown in the opposition of
Hartford tax-payers to installing a
water system.

Then we are ready to conclude that those who would be disfranchised by a property qualification ought to be allowed to vote, since many of them would be desirable voters, all of them have a stake in the government, and the best government is realized when all classes are represented.

A further question arises, whether a property qualification would bring with it certain alleged evils. First, would it retard public improvement? One of the vital interests of every property holder is to keep the tax-rate low.

**Third Issue :
first sub-
topic.**

On the other hand, public improvements tend to raise the tax-rate. Here is an apparent conflict between the interests of the property holder and of the public. The advocates of a property qualification assert that though in theory the interests conflict, yet in practice they do not, because what is good for the public is good for the property holder. Unfortunately for the proposed remedy, this is not always the case. Only last week the mayor of Boston proposed that a boulevard should be laid out between the houses facing on Beacon Street and the river. This idea appeals to the public. The proposed boulevard would add much to the beauty of the river front and to the excellence of Boston's park system. Yet the property holders object. This illustrates how a conflict might arise between the property holders and the public.

But the objection may arise that this example is too limited in its application, that it is an exceptional case. For this reason I shall state briefly a case vouched for by Professor A. B. Hart. In New York City, in 1892, the school system was of a low standard. Hundreds of children from the slum districts could not get accommodations in the schools, and the teachers were incapable because the salary fund was inadequate. Observing this, a body of citizens started an agitation for improvement in the system. But no sooner had the proposal been made than the property-holding interests objected. As citizens they thought education a good thing, but as property holders they objected to the improvement because it would raise the tax-rate.

Another case is cited in the *Harvard Register* of April, 1905, where Charles Dudley Warner is quoted as saying that the health of Hartford, Connecticut, his own city was neg-

d. This was shown in Providence.

B. It would take away the educational force of universal suffrage, for

(1) Although it is held that the educational force of state and national elections will still remain, yet this is insufficient, for

a. We must interest our alien citizens first through simple matters which are close to their daily life, for

x. They cannot understand national issues.

lected, because the property holders of the city opposed the installment of a decent water system, on the ground that it would raise the tax-rate.

And, finally, to observe a case where there is a property qualification, and where this conflict between the property holder and the public is now going on, we may note conditions in Providence, Rhode Island. Mr. Low, in his speech before the Harvard Political Club last year, said that, after he had spoken before a Providence audience on this very subject, one of the citizens came up to him and said, "Mr. Low, what you say about the property qualification retarding public improvement is exactly true. Twenty men have held this city back for twenty years."

A further objection to the property qualification in cities is that it would take away the educational force of universal suffrage. President Eliot, in his *Five American Contributions*, names as one of the five contributions of the United States to civilization the educational force of universal suffrage. No one disputes this. Those who favor a property qualification admit that universal suffrage is a great educator, but they assert that they do not propose to take away this force. Universal suffrage will still exist in state and national elections, and the new citizen will get his political education in voting for the governor and the President. They assert further that municipal campaigns are not educative anyway, since they involve a discussion of men and not of issues. Both of these arguments, however, overlook the fact that if we are to get our alien citizens interested in our political system, we must approach them on matters that come near to them and that are sufficiently simple for them to understand. The alien citizen of the lower class, of which we have so many, is not interested in and cannot understand our tariff questions, financial questions, Panama Canal questions, and the like. We must approach him on the things that he meets in his daily life, the parks where he takes his recreation, the schools where his children are educated. It is on these elementary questions that he must get his primary political education, and having mastered these, he is fitted to understand the more difficult discussions of state and national campaigns.

Third Issue :
second sub-
topic.

C. It would aggravate the social unrest in our cities,
for

(1) The property question is at the root of the
present unrest, for

a. Socialists oppose the system of private
property.

IV. The present evils of the city government could be better
remedied by other means, for

A. Corrupt Practices Acts would tend to eliminate
corruption in elections, for

(1) This has been the experience in England.

Hence it is clear that the educative force of universal suffrage is most effective in our city campaigns, and that a property qualification would take away this force.

A third objection to the proposed remedy is that it would aggravate the social unrest in our cities. There is to-day a growing unrest in our cities, and the property question is at the root of it. The Socialist thinks that the community should own all property. The Labor Unionist looks with envy on the affluence of his employer, feeling that he does not get his share of the profits of industry. Consider the ill-feeling that would be engendered if the man of small means were still further antagonized by exclusion from the franchise. The significance of this consideration cannot be over-emphasized. It assumes its true importance when we recall that Dorr's Rebellion in Rhode Island was directly caused by the device that is now proposed for our municipal elections.

Third Issue:
third sub-
topic.

Now that we have examined the property qualification and found that it would not be a desirable remedy for the present evils, we may be asked to propose something better. The task of reforming is not a simple one. Yet there are several simple remedies which have produced such good results elsewhere that we suggest them for consideration.

Fourth Issue.

One of the most palpable of our municipal evils, and one that can most easily be reformed, is corrupt practices at elections. Bribery, treating, and repeating are common in all large American cities. In this regard we might well take a lesson from England. In England, as mentioned above, the most shameful abuses at elections were remedied by the passage of a Corrupt Practices Act, which put a large penalty on all attempts to influence a man's vote by the use of money. These laws were passed when English cities were among the most corruptly governed in the world. To-day, English cities are the best governed. The elections, which formerly were mere business transactions, to-day represent the will of the people. The lesson seems obvious.

Another evil that should be remedied in our cities is the spoils system. The simple effective remedy for this is an

B. An extension of the civil service would further remedy the evils of the spoils system.

C. The employment of expert heads of departments would increase efficiency, for

(1) This is the testimony of President Eliot.

(2) This has been the experience of England.

CONCLUSION

- I. Since a property qualification for the exercise of the municipal franchise would not reduce corruption and inefficiency;
 - II. Since those who would be disfranchised by such a property qualification should have the privilege of voting;
 - III. Since a property qualification would produce serious evils;
 - IV. Since the present evils of city government could be better remedied by other means;
- Therefore, a property qualification for the exercise of the municipal franchise is undesirable.

extension of the Civil Service; and in spite of the spoilsmen, we are slowly getting it. We would have an almost ideal government if all appointed officers secured their positions by the Civil Service. But this is said to be impossible, because there are many positions for which there can be no appropriate test, as in the case of ashmen. The system, however, is capable of a much broader application than at present. If we cannot have a whole loaf, a half of one will help somewhat.

Another proposed reform is the employment of highly trained heads of departments. The present system of appointing prominent politicians as heads of departments, in return for election work, has nothing in reason or experience to commend it. It must be held largely responsible for the present mal-administration. President Eliot says, "Good city government has now become absolutely impossible in the United States without the employment of expert heads of departments." The excellent government of English cities is held (by men who have studied the question, — Munro, Lowell, Eliot, Bryce) to be due in a large measure to the system of permanent expert department heads.

PERORATION

The road to reform, then, seems clear. The remedy for the present evils of city government, great as they unquestionably are, lies not in a restriction which, because it is no fair test of virtue or civic ability, disfranchises honest men and leaves the present bosses free to continue their corrupt work. The remedy lies not in a plan which is based on the false assumption that only those who pay taxes have a stake in the city government, and on the equally false assumption that the best government can be secured by refusing representation to the poorer classes, — an idea unfair, undemocratic, and un-American. The remedy lies, not in a plan which would retard public improvement by fostering the cupidity of tax-payers; which would take away the educational force of universal suffrage just where it is most needed, — a plan the very nature of which would aggravate the already growing social unrest in our large cities. On the other hand, it seems clear that the most effective methods of municipal reform are those which have been so

successful in the cities of England, after the property qualification proved a miserable failure. The crying need of corrupt American city politics is by no means a property qualification, but methods which experience has proved to be efficient and free from the attendant evils of a property qualification. We need, above all, corrupt practices acts, an extension of the Civil Service, and experts at the heads of our city departments.

ELEVENTH CHAPTER

DEVELOPING THE ARGUMENT FROM THE BRIEF: THE PRINCIPLES AND QUALITIES OF STYLE

“What Socrates used to say, that ‘all men are sufficiently eloquent in that which they understand, is plausible, but not true. It would be nearer the truth to say that no man can be eloquent on a subject that he does not understand; and that, if he understands a subject never so well, but is ignorant of how to form and polish his speech, he cannot express himself eloquently even about what he does understand.” — CICERO.

THE PRINCIPLES OF STYLE

THE development of the finished argument from the brief should proceed with due regard to those rhetorical principles with which every student should be familiar before attempting to write an argument.¹ The principle of Unity counsels the exclusion of all matter which does not tend to explain or to prove the proposition; each division of the argument should stick to the point. The principle of Emphasis counsels that disposition of parts which will most nearly indicate their relative importance; the emphatic places should be held by ideas that deserve such distinction. The principle of Coherence counsels logical sequence of thought; the relation of the parts to each other should be unmistakable. Careful observance of these three principles helps to

¹ This study of Argumentation presupposes a study of Rhetoric and English Composition such as that covered by Barrett Wendell's *English Composition* (Charles Scribner's Sons, New York, 1891), or Hammond Lamont's book under the same title and by the same publishers (1907).

secure all the rhetorical qualities of effective argumentative discourse.

I. UNITY

One should hew to the line of his argument. The facts of history, no matter how important they may be in themselves; the statements of authority, no matter how intrinsically interesting; the tempting anecdotes, no matter how amusing; the personal remarks, no matter how just; over all these things which seek to thrust their way into an argument, the principle of Unity stands guard. For admission all things must show, as credentials, sufficient evidence of their importance in explaining or in proving the proposition.

If the principle of Unity has guarded well the brief, — if every statement in the Introduction helps to explain the meaning of the proposition, and every statement in the Proof helps to establish the statement under which it stands, — the brief will serve to check the natural tendency of a writer to wander from the point. If a writer or speaker leaves his subject, he cannot blame his readers or hearers for leaving him. He should not forsake the highway of his argument to chase a butterfly, be it ever so alluring.

II. EMPHASIS

A traveler gazes across the unbroken level of the prairie; he sees nothing, and he retains only a feeling of weariness and monotony. The same effect is produced by an argument all the parts of which are presented on one dead level. If a writer does not perceive the parts which deserve distinction, he is not prepared to write; if he does not emphasize the parts which deserve distinction, he cannot be sure whether his readers

will retain the essential or the relatively insignificant. He *can* be sure of this, — that they will *not* retain both. Neither readers nor hearers remember all the details of a long argument. Let them forget, if they must, the matters of secondary importance. The vital points they must not forget.

These vital points may be emphasized by skillful repetition. Again and again Douglas asserted “the right of the people of a state to settle the question of slavery for themselves,” and demanded “obedience to the decision of the highest tribunal in the land, the Supreme Court.” In the same debates Lincoln reverted repeatedly to his main contention: “A house divided against itself cannot stand; this government cannot endure permanently half slave and half free.” For purposes of refutation Lincoln reminded his audiences time and again that Douglas had said, “I do not care whether slavery is voted up or down.” The main contentions of an argument should be expressed in phrases so clear, exact, and striking that they will bear frequent repetition.

On account of the peculiarities of spoken discourse, the speaker has special need of repetition. He must revert often to the crucial points, viewing them from new standpoints, — in the concrete and in the abstract, positively and negatively, first as applied to one subject and then as applied to another. Not half of an ordinary audience will grasp his main contentions in the first phrasing. He must repeat them until they are clear to all.

While employing repetition for the sake of clearness to all, a speaker must introduce such variety that he will be wearisome to none. For the moment he employs this device to excess, he sacrifices the very object of his

repetition. When students, on first acquiring some skill in analysis, become impressed with the importance of method, their faith is all too evident. They present their outlines too often in bald form, and, for want of other material, weaken their rebuttal speeches with repeated outlines until the audience wonders whether there is any real substance upon which to employ the admirable method. A college debating team, opposing the passage of a bill for shipping subsidies, phrased the central theme of their argument well when they declared, "Subsidies take money from the pockets of all the people in order to fill the pockets of the few." But excessive repetition left the assertion at the end of the last rebuttal speech all empty and forspent, precisely at that point where the argument needed greatest vigor.

Among the overworked methods of emphasis is the rhetorical question. This implies an answer favorable to the case of the speaker. It depends for its effect on the certainty that the auditors will answer the question according to the speaker's wishes. At the close of a speech a debater said, "Let me ask why foreign ship companies are now lobbying against the subsidy bill?" The speaker left his audience asking the same question, and the further question whether the implied fact was true, for he had yielded to the temptation of using the rhetorical question in place of evidence. Such a question is not proof; it may be used only to emphasize proof.

The following quotation illustrates the use of the rhetorical question in the persuasive appeal, following the proof: —

The senator from Massachusetts tells us that the tariff is not an eastern measure, and treats it as if the East had no

interest in it. The senator from Missouri insists it is not a western measure, and that it has done no good to the West. The South comes in, and in the most earnest manner represents to you that this measure, which we are told "is of no value to the East or the West," is "utterly destructive of our interests." We represent to you that it has spread ruin and devastation through the land and prostrated our hopes in the dust. We solemnly declare that we believe the system to be wholly unconstitutional and a violation of the compact between the states and the Union; and our brethren turn a deaf ear to our complaints, and refuse to relieve us from a system "which not enriches them, but makes us poor indeed." Good God! Mr. President, has it come to this? Do gentlemen hold the feelings and wishes of their brethren at so cheap a rate that they refuse to gratify them at so small a price? Do gentlemen value so lightly the peace and harmony of the country that they will not yield a measure of this description to the affectionate entreaties and earnest remonstrances of their friends? Do gentlemen estimate the value of the Union at so low a price that they will not even make one effort to bind the states together with the cords of affection? And has it come to this? Is this the spirit in which this government is to be administered? If so, let me tell gentlemen the seeds of dissolution are already sown, and our children will reap the bitter fruit.¹

As the man in the gallery throws the calcium light on that part of the stage to which he would direct attention, so the writer must employ all the illuminating devices of rhetoric to brighten the most important parts of his argument. He should first consider what points must be emphasized at any cost; he should then contrive to place these in the high lights. Meantime the less important details fall into the relatively obscure background. The high lights of a discourse are the beginning and the end. The beginning must get a

¹ From a speech of Hayne, delivered in the United States Senate, January 21, 1830.

fair start for the argument by enlisting the interest in the right direction; the middle part must drive the argument home; the end must clinch the point. Other means of emphasis are apt metaphors and similes, sudden turns of phrase, epigrams, climax, concrete terms, and terse sentences. But the first law of emphasis concerns position; the ideas which deserve distinction must fall in the most emphatic places.

III. COHERENCE

An argument without coherence is like a forest without a trail; a writer's duty is to blaze the trail. Nay, he should do more. He should take the reader by the hand, smooth the way, warn him when the path divides, point out each step. Language is at best but "a poor bull's-eye lantern wherewith to show off the vast cathedral of the universe." Imperative, then, that one who uses this poor lantern to illuminate thought should throw what light he has along the path ahead. Otherwise the reader, if led at all, will but stumble along, this way and that, over strange and uneven ground to an unknown end, like a blindfolded neophyte led to initiation.

No man is likely to secure coherence by chance or inspiration: it demands care — painstaking and unremitting. In a good brief the causal connection between each statement and that which it is adduced to prove is clearly indicated by means of special indentation and arbitrary symbols. In a written forensic these devices must give way to rhetorical aids. The logical sequence of thought must be made clear by means of connective words and transitional sentences.

The most common fault in the presentation of evidence is the failure to show precisely what part it plays

in the whole argument. This failure is sometimes due to the fact that secondary matters are not properly subordinated to the main issues. Yet evidence can be of value only through causal connection with these main issues. If this connection is obscure, the evidence counts for nothing but confusion. If the bearing of the evidence is not felt at the time when it is presented, usually the bearing is not felt at all. The evidence then cumbbers the argument as so much dead matter. In every art the merit of each detail is its subserviency to the whole design. If a piece of evidence is put forward as if for its own sake, with no definitely expressed relation to other parts, it breaks the chain of thought. The whole argument then lacks sequence, and proportion, and co-ordination. Again and again the writer of an argument must be a severe critic of his own work, lest he fail to make clear to others what may be perfectly clear to himself, — the exact work which a given piece of evidence is intended to perform in a given place.

Illuminating in this connection is a study of Burke's method. There are no arguments overlapped, no parts left hanging in the air, no gaps to jump, and no halt in the forward movement. Turn to the *Speech on Conciliation*. Observe the opening sentences announcing what may be expected in paragraphs 15, 32, 33, 34, 35, 50, 79, 80, — indeed in almost every paragraph. Note the transitional opening sentences of paragraphs 25, 26, 29, 57, 58, 59, 75. Consider, in paragraphs 44, 48, 67, 72, the clearly defined connection of the opening sentences with what precedes. Consider as well the summarizing sentences in paragraphs 36, 41, 44, 59, 62, and the single word connectives in paragraphs 44, 48, 67, 72. Any person who aspires to an argumentative style which shall cover the strength of a coherent brief

with transparent rhetorical beauty will do well to study the method of Edmund Burke.

THE QUALITIES OF STYLE

Observance of these principles of Unity, Emphasis, and Coherence tends to secure the qualities of Clearness, Ease, and Force. Since, however, the rhetorical problem of argumentation is that of so presenting one's material as to win favor and affect conduct, the only one of these qualities of style which is of any importance for its own sake is Force. And Force is nothing more or less than effective conviction and persuasion. All other qualities of style and all principles of style are of value in argumentation only so far as they aid in securing this paramount quality of Force. For this purpose Clearness and Ease are invaluable; and to them we should add the rhetorical aids of Brevity, Concreteness, and Illustration.

IV. CLEARNESS

On a really debatable question, clearness is never by itself sufficient for the purpose of conviction and persuasion. What profits it a lawyer for the defense to make the jury understand exactly why he believes the prisoner at the bar should be acquitted, if at the end they retain the contrary belief and render a verdict of guilty? Clearness is, nevertheless, a fundamental necessity. Without clearness, all other rhetorical aids to effectiveness are futile.

Simplicity of diction — an essential of clearness — is not only desirable, but is possible even in dealing with complex subjects. One of George Eliot's characters, Mr. Cleves, in the *Sad Fortunes of the Rev. Amos Barton*, "has the wonderful art of preaching sermons

which the wheelwright and the blacksmith can understand; — not condescending twaddle, but because he can call a spade a spade, and knows how to disencumber ideas of their wordy frippery." By the use of plain language, Huxley in the realm of science and Lincoln in constitutional law and Phillips Brooks in theology made their meaning clear to the plain people.

Lucidity of expression is even more important to the speaker than to the writer. If a speaker does not make his meaning unmistakable at once, his meaning is lost, for his hearers cannot take time to go back and puzzle it out. For this reason a long, complicated sentence, which is safe enough in a magazine article, may be confusing from the platform, especially on the heels of another of the same kind. Short sentences are better. In his effort to make himself clear a speaker is under a further disadvantage, in that he has none of the visual aids of the printed page, such as punctuation, paragraph indention, capitals, italics, and tables. He must use well the means at his command. In contending against the besetting foes of vagueness and obscurity, he must reckon with these peculiarities of spoken discourse.

Emerson says that "when any orator at the bar or in the Senate rises in his thought, he descends in his language, — that is, when he rises to any height of thought or of passion, he comes down to a language level with the ear of all his audience. It is the merit of John Brown and of Abraham Lincoln — one at Charles-town, one at Gettysburg — in the two best specimens of eloquence we have had in this country."

V. EASE

The writer who first attempts to produce a graceful forensic from a rigid brief feels as though he were caught

hard and fast in the embrace of the very skeleton which he has constructed. The resulting composition is accordingly almost as formal and bleak as the brief itself. The bones protrude like the ribs of a cabby's horse. Statements and proof follow each other in the same order, with the same connectives and the same structure. The forensic is but the heads and sub-heads of the brief, with hackneyed phrases between. The brief becomes master instead of servant. But before the writer rebels, let him consider the advice of Phillips Brooks: "The true way to get rid of the boniness is not by leaving out the skeleton, but by clothing it with flesh."

Various means of attaining an agreeable style are considered in books on rhetoric under the head of ease, elegance, grace, beauty, or rhythm. For one who has already pursued such a study, and now wishes to learn the particular art of transforming a brief into a work of literary merit, the best advice is this: First, study specimens of argumentation in which the framework is evident but not offensive. For this purpose, turn to the argument in the Appendix concerning the Elective System in Public High Schools. It was written to illustrate the development of the forensic from a careful and complete brief. Although it adheres too rigidly to the brief to be pleasing in style, it is for that very reason a good object of early study. Second, study the masters who have had the art to conceal the processes of art. Begin with the specimens of Burke and Lincoln and Webster and Calhoun already commended for their method. These can be easily briefed. Continue the study with masterpieces that present greater difficulty in briefing. Finally, rewrite an argument of your own without further reference to the brief.

To fall into hackneyed ways of introducing evidence

and of proceeding from link to link of the argument is a natural tendency, especially in public speaking. Some of the worst offenders among the stock phrases are: "now"; "my next point is"; "now, gentlemen"; "now, therefore"; "let us now look"; "so, it seems to me"; "I shall now prove to you"; "I think, therefore." Even the greatest speakers need to be on guard against this tendency. A phrase which is at first fresh and unobjectionable may become so worn by frequent use as to be monotonous if not ludicrous.

There can be no doubt that a person is more likely to yield assent to the truth when it is presented in agreeable form, than when the challenge to his preconceived opinion is flaunted in his face in the shape of a bald argument. In the speech at Bristol, September 6, 1780, Burke said:—

A statute was fabricated in the year 1699, by which the saying mass (a church service in the Latin tongue, not exactly the same as our liturgy, but very near it, and containing no offense whatever against the laws or against good morals) was forged into a crime punishable with perpetual imprisonment. The teaching school, a useful and virtuous occupation, even the teaching in a private family, was in every Catholic subjected to the same unproportioned punishment. Your industry, and the bread of your children, was taxed for a pecuniary reward to stimulate avarice to do what nature refused, to inform and prosecute on this law. Every Roman Catholic was, under the same Act, to forfeit his estate to the nearest Protestant relation, until, through a profession of what he did not believe, he redeemed by his hypocrisy what the law had transferred to the kinsman as the recompense of his profligacy. . . .

Does any one who hears me approve this scheme of things, or think there is common justice, common sense, or common honesty in any part of it? If any does, let him say it, and I am ready to discuss the point with temper and candor. But instead of approving, I perceive a virtuous indignation begin-

ning to rise in your minds on the mere cold stating of the statute.

It is by no means a mere cold stating of the statute, but rhetorically so agreeable as to contribute force to the argument.

VI. BREVITY

A lecturer on rhetoric in a Scotch university used to say to his class at the close of the year, "There are only two rules to follow: When you have anything to say, say it in as few words as you can; when you have said it, hold your tongue." Many other men have felt the force of brevity. "In early times," said Tacitus, "the people, rude and unpolished, might well be contented with the tedious lengths of unskillful speeches; and, indeed, to be able to harangue for a whole day together, was itself looked upon at that illiterate period as a talent worthy of admiration." We now regard such a talent as dangerous. To be able "to say nothing with elaboration" is no attribute of genius. For, although it is not quite true that a pure style results from the rejection of everything superfluous, it is true that a forceful style is impossible without compression.

Dean Swift said that he who makes two ears of corn grow where only one grew before deserves well of mankind. The contrary holds in writing and speaking. Our gratitude goes to the man who puts in one word what another puts in two. Captain Cuttle said that his power of putting his hands on a few words whenever he wanted them came from his not wasting them as some do. Landor said: "Phocion conquered with few soldiers, and he convinced with few words. I know not what better description I could give you either of a great captain or a great orator." "Even a man who has no gift

for oratory, no enthusiasm, no fervor, no magnetism, as it is called, can make a presentable figure on the platform if he rises knowing exactly what he wants to say, if he says that and no more, and if he sits down as soon as he has said it. But his failure will be total if he does not know what he wants to say, and if he talks forever in the vain hope of happening upon it by accident.”¹

Carlyle says of Dante: “There is a brevity, an abrupt precision in him: Tacitus is not briefer, more condensed; and then in Dante it seems a natural condensation, spontaneous to the man. One smiting word; and then there is silence. . . . His silence is more eloquent than words. It is strange with what a sharp decisive grace he snatches the true likeness of a matter; cuts into the matter as with a pen of fire.”²

~ Although it is never possible or desirable to take up at length every argument which may be pertinent, it is possible and highly effective to suggest arguments in a parenthetical and apparently incidental way, provided that the mere suggestion will surely connote the desired thought. Thus Dean Briggs comments on the contention of the friends of small colleges that a college is the better for being small: “Without inquiring whether these gentlemen would reject opportunities of growth for their own colleges, whether the system of admission by certificate is not chiefly a bid for students, and whether the very pleas for the small college are not designed to make it larger, I pass at once to the strongest argument of the small college — the argument that in it everybody knows everybody else.”³

¹ Brander Matthews, *Notes on Speech-Making*, p. 35. This little book can be read in half an hour, and it is worth reading.

² Carlyle, *Heroes and Hero Worship*.

³ Le Baron Russell Briggs, *Routine and Ideals*, p. 41. Houghton Mifflin Co.

The time limit in debate enforces invaluable practice in the art of economy of words. To summarize and repeat until the meaning is clear to everybody, and yet to waste no words, is an art as difficult as it is important. The art is difficult because gross extravagance in the use of words is a universal fault, and because in trying to condense there is constant danger, especially in spoken discourse, of sacrificing clearness to brevity. The art is important because a well-prepared speaker usually has many times as much that he would like to say as he has time to say. His first draft of a ten-minute speech commonly takes a half hour for delivery. The amount that he can put effectively into a given number of minutes depends largely on his skill in condensing. One may weary an audience by quoting an authority at length, or, far better, he may ferret out the significant words and apply them directly to the point at issue; one may enlarge upon an illustration until it becomes wearisome, or give the point in a parenthetical phrase; one may pack a number of bits of correlated evidence under one introductory sentence, or waste an introduction on each. Methods of condensation are innumerable; the absolute necessity of giving the substance of an hour's speech in ten minutes is the mother of invention. And this necessity is one of the great educational values of formal debate. The time limit demands compression.

VII. CONCRETENESS

The concrete is much more effective than the abstract; the specific is much more effective than the general. A speaker might talk about the evils of intemperance in the abstract without the slightest effect on his hearers, yet move them to tears by one definite

instance of a ruined life. Emotion is concerned with particulars rather than with generalities.

Mindful of our own precepts, suppose we now contrast the examples of the abstract and general in the first column with the examples of the concrete and specific in the second column.

The proportion of the students of a university who take part in football games is small.

Of the four thousand students in Chicago University in 1907, only forty took active part in the football games.

If we thus treat those in poverty who steal luxuries from the wealthy, how shall we deal with the wealthy who steal the necessities of life from those in poverty?

"If this shall be done to the poor man who steals the rich man's bird, what shall be done to the rich man who steals the poor man's bread?" — Fox.

The government imposes salutary restraints on state sovereignties. There are various important activities which they are not allowed to carry on.

"The states cannot now make war; they cannot contract alliances; they cannot make each for itself separate regulations of commerce; they cannot lay imposts; they cannot coin money." — Webster.

When the towns are unable to appropriate adequate funds for public highways, they desire the coopération of the Federal government.

"When a Caribou farmer gets his potato wagon stuck in the mud to the hubs, he wants Uncle Sam to put his shoulder to the wheel and give him a lift." — Student in class debate.

"The burden of taxation does not fall according to assessed valuation, for city capitalists are not taxed on their chief wealth. Those engaged in agricultural pursuits, on the other hand, are taxed on the greater part of their property." — Student forensic.

"These figures are deceptive. You can buy in Portland or Augusta your thousand dollar bond and put it in a safe deposit vault and clip its coupons and pay no taxes on it; but the farmer out on these hills, if he buys a blooded cow to help the dairy interests of his neighborhood, is taxed on it; he is taxed for everything in sight." — Herbert M. Heath.

In the United States unskilled laborers receive higher wages than in any other country.

"While the native in Milan is laying cobble-stones for fifteen cents a day, the boy in Aroostook is picking up potatoes for two dollars a day." — Student forensic.

Many elective courses are offered in the large universities.

"For one man to take all the courses offered by Harvard University would require one hundred and ten years." — Student in class debate.

"In all the despotisms of the East it has been observed that the farther any part of the empire is removed from the capital the more do its inhabitants enjoy some sort of rights and privileges; the more inefficacious is the power of the monarch; and the more feeble and easily decayed is the organization of the government." — Lord Brougham.

"In large bodies the circulation of power must be less vigorous at the extremities. Nature has said it. The Turk cannot govern Egypt and Arabia and Kurdistan as he governs Thrace; nor has he the same dominion in Crimea and Algiers which he has at Brusa and Smyrna. Despotism itself is obliged to truck and huckster. The Sultan gets such obedience as he can." — Burke.

In proportion as the manners, customs, and amusements of a nation are cruel and barbarous, the regulations of their penal code will be severe.

In proportion as men delight in battles, bull-fights, and combats of gladiators, will they punish by hanging, burning, and the rack. — From Spencer's essay on *The Philosophy of Style*.

The gist of an argument packed into a single concrete epigram will make a quicker and more lasting impression than ten times the number of colorless words. This was the merit of Lincoln's reply in the most trying days of the Civil War to those who urged a change of commanders. He said that he considered it poor policy "to swap horses while crossing a stream." Judge Peters summed up the argument for the small college in one telling epigram, when he said, "At the large college, the student may go through more college, but at the small

college, more college goes through him." From these examples of the superiority of the concrete, we turn naturally to the broader subject of Illustration.

VIII. ILLUSTRATION

From the nature of the concrete and the specific, illustrations derive their force. For the same reason illustrations drawn from every-day life are most effective. Such is the following from Lincoln's Cooper Union Speech: "But you will not abide the election of a Republican President! In that supposed event you say you will destroy the Union! and then, you say, the great crime of having destroyed it will be upon us! That is cool. A highwayman holds a pistol to my ear, and mutters through his teeth, 'Stand and deliver or I shall kill you, and then you will be a murderer!'"

An illustration must be apt in every particular. It must suggest the desired conclusion and no other. Unless a person has sufficient imagination to see an illustration as others will see it, he may have it turned against him. In a recent campaign, a newspaper employed this unfortunate illustration:—

The trouble is that the ship of state has fallen into evil hands. She has an unruly, piratical crew in charge, who are recklessly steering her among the reefs and breakers of fraud, hypocrisy, and graft. Her hull is covered with barnacles that should be scraped off. She needs a thorough overhauling, with a new crew placed on board, who will take their orders from the people instead of from the cabal with headquarters in the state house.

The trouble with this illustration is that if the officers and crew of a ship took their orders from the passengers, the ship would certainly be in peril. The illustration leaves some readers to draw the conclusion that it would

be equally unsafe for officers of state to take their orders from the people, which defeats the purpose of the argument.

Another instance of an unhappy illustration, turned effectively against the man who employed it, is quoted in Alden's *The Art of Debate*: —

In an American court a suit for damages was brought against a railroad company which had refused a ticket reading "From A. to B." on the ground that the passenger was traveling from B. to A. The attorney for the railroad argued that the passenger was really claiming a different service from that he had paid for. "He paid for passage from A. to B," he said, "and yet demands passage from B. to A. He might as well buy a barrel of potatoes at a grocery, and then sue the grocer on the ground that he did not deliver apples instead." When the attorney for the plaintiff had opportunity to reply, he said: "The illustration drawn from the barrel of apples and the barrel of potatoes seems to be an unfortunate one for my friend on the other side. The present case would be better illustrated by a grocer, who, having sold a customer a barrel of apples, should insist that he should begin at the top and eat down, whereas the customer had a preference for beginning at the bottom and eating up."

Thus it appears that imagination is an effective aid to argument. In persuasion, as we shall see, it is a powerful force. Indeed, lack of it is sometimes a fatal weakness, as any speaker who does not know when to stop bears witness. Even in conviction imagination does important work, when it is harnessed to facts; for it directs the invention and discovery of arguments, and controls the selection of evidence, phrasing, and illustration. Without imagination — sometimes even with the most fertile imagination — a speaker has difficulty in foreseeing how the details of his work will affect a given audience under certain attendant circumstances.

A story introduced in argument for purposes of illustration is usually exceedingly effective or exceedingly flat. It is effective if it hits the point, directly and unmistakably, and if it is wholly subservient to its purpose. It is flat if it is vague or too long, and if it makes any pretensions at being the substance rather than the illumination of the argument.

From the nature of the concrete and the familiar, it follows that those figures of speech are most effective which deal with the experiences of daily life. When Burke says, "Your ancestors did not churlishly *sit down* alone to the *feast* of Magna Charta," he uses a figure which any civilized person can understand. The same is true of his declaration, "The public would not have patience to see us *play the game out*," and of the following: "It is nothing but a little sally of anger, *like the frowardness of peevish children*, who, when they cannot get all they would have, are resolved to take nothing"; — "I *put my foot in the tracks* of our forefathers, where I can neither *wander* nor *stumble*." Still more varied in figurative language is the single paragraph of the *Speech on Conciliation* — the sixty-sixth — in which he emphasizes his point by means of abrupt stops, hyperbole, climax, metaphor, antithesis, balance, rhetorical questions, and repetition.

All kinds of illustrations are merely aids to the effective presentation of arguments, not themselves of evidential force. A philosopher has been likened to a blind man in a dark cellar hunting for a black cat that is n't there. This simile — apt, concrete, and amusing though it is — proves nothing with regard to the philosopher. Care must be taken not to use any kind of illustrations in place of proof.

TWELFTH CHAPTER

AROUSING THE EMOTIONS: PERSUASION

"In the orator a wide range of knowledge is indispensable, for without knowledge mere fluency is empty and ridiculous, and the speech must be developed, not only by means of well-selected words, but by their harmonious arrangement. The orator must be acquainted with all the passions and emotions natural to mankind, for the resources and persuasive power of oratory are to be employed in either exciting or allaying the feelings of the auditors. To these qualities must be added a spice of sprightliness and wit, learning worthy of a well-bred man, quickness and conciseness both in retort and attack, with which are to be blended refined beauty of language and deliberate courtesy of manner." — CICERO.

CONVICTION AND PERSUASION

THE study of analysis, structure, reasoning, and evidence is the study of conviction. Conviction addresses the understanding; it aims to establish belief on rational grounds. But so strong are the influences of inherited opinions, the pressure of the crowd, personal desires and feelings, that *action* is not often based on purely rational motives. "A man convinced against his will is of the same opinion still," and he acts accordingly. The volition must be secured through arousing the emotions. This is the work of persuasion.

A reasoning process as cold as a demonstration in Geometry, which utterly disregards the feelings, is pure conviction. Nothing more would be needed for a scientist who, in the pursuit of truth, had succeeded in trampling his prejudices under him. But argument is commonly addressed to men and women with desires and latent emotions which conviction alone cannot

use or overcome. Even trained minds find it difficult to act in honest accord with convictions when emotions pull the other way. Students of the problems of charity are convinced that their plain duty is to give no money indiscriminately to beggars. Yet the pitiable appeal is oftener answered emotionally than rationally. All this shows the value of persuasion. It is sometimes more important to get an emotion into a man's heart than to get an idea into his head.

Especially is this true when we aim not only to secure belief, but also to incite action in accord with belief. A person may be convinced on rational grounds, and yet not be moved to act until his emotions are aroused. It does the cause of negro education little good to convince a man of the worth of Tuskegee, unless his feelings are so moved that he will do something. All the reasons in the world may fail to induce a student to join your fraternity: he straightway joins another which has touched a hidden spring of emotion. So important is persuasion as an adjunct to conviction that examples of pure conviction are rare outside of text-books in logic, mathematics, and other exact sciences.

Suppose, as a delegate to an intercollegiate athletic conference, you wish to win the coöperation of a smaller and weaker rival college in forming an arbitration league. You may show by logic and evidence that such a league would be efficient in accomplishing its purposes, would be greatly to the advantage of the smaller college, and would tend to decrease dishonorable practices in intercollegiate contests. This work in conviction might be perfect, and yet fail to accomplish its object; for you might treat the delegates of the smaller college with such an air of conscious superiority that they would be unwilling to enter an alliance with you even for their

own good. If you implied that the league would find work to do in punishing the dishonorable practices of the smaller college, you might create such an antagonism as to defeat all hopes for your plan for generations of college students to come. In such a case you might convince and yet fail to secure action, because of your failure in persuasion.

Suppose, on the contrary, you approach the delegates of the smaller college with courtesy and evident fairness. Suppose, in treating the matter of honor in athletics, you acknowledge a violation of rules on the part of your own college and show how the proposed league would punish such violation. Suppose you ignore for the moment your own list of victories and give credit to your rival for gains in recent years. Suppose you refer to an influential graduate of that college who favors the league. With such persuasion you might accomplish your purpose, even though your work in conviction were not perfect.

Valuable as is persuasion in reaching the will, it can never do the work of conviction. When the mind yields to persuasion, belief may or may not be conformable to fact; it may or may not be rational. Bands at political rallies and subsidized applause of all kinds have a tendency to arouse the feelings to the point where sound argument is, for the moment, unnecessary. The less intelligent the audience, the greater the temptation to rely on persuasion. But belief based on irrational grounds and action prompted solely by emotions are unworthy ends. No honest speaker will strive for them. Those people who act through the temporary impulse of emotion find, in the quiet hour of deliberate thought, that they have been deceived; there is no permanent basis for their belief. A speaker who relies on persuasion

may secure a reaction from his audience, but when they quietly reflect on what he has said, they may detect the sham and wonder why they were moved at all. Conviction is safer, because conviction is a matter of reason, and reason is based on logic, which is a science,—the same for all people at all times. For these reasons, persuasion without conviction is unreliable. These two parts—conviction, which appeals to the reason, and persuasion, which appeals to the emotion—work together in nearly all successful argumentation.

SOURCES OF PERSUASION

True eloquence, which is the harmonious blending of conviction and persuasion, must exist, according to Daniel Webster, *in the man, in the subject, and in the occasion.*

Affected passion, intense expression, the pomp of declamation, all may aspire after it; they cannot reach it. It comes, if it come at all, like the outbreak of a fountain from the earth, or the bursting forth of volcanic fires, with spontaneous, original, native force.

The graces taught in the schools, the costly ornaments and studied contrivances of speech, shock and disgust men, when their own lives, and the fate of their wives, their children, and their country hang on the decision of the hour. Then words have lost their power, rhetoric is in vain, and all elaborate oratory contemptible. Even genius itself then feels rebuked and subdued, as in the presence of higher qualities. Then patriotism is eloquent, then self-devotion is eloquent. The clear conception outrunning the deductions of logic, the high purpose, the firm resolve, the dauntless spirit, speaking on the tongue, beaming from the eye, informing every feature, and urging the whole man onward, right onward to his subject—this, this is eloquence; or rather, it is something greater and higher than all eloquence; it is action, noble, sublime, godlike action.

If we first make due allowance for that persuasion resulting from the effective use of those rhetorical aids to force which we have just considered, we may regard persuasion as existing in I. The Man, II. The Subject, III. The Occasion.

I. THE MAN

The attributes of the man himself which are most effective in Persuasion are Sincerity, Earnestness, Simplicity, Fairness, Self-Control, Sense of Humor, Sympathy, and Personal Magnetism.

1. *Sincerity.*—So essential to effective public speaking is straightforward and uncompromising honesty that Renan declares: "Oratorical and literary success has never but one cause, absolute sincerity." This quality Carlyle would have us take as his primary definition of a Great Man: "No Mirabeau, Napoleon, Burns, Cromwell, no man adequate to do anything, but is first of all in right earnest about it; what I call a sincere man. I should say sincerity, a deep, great, genuine sincerity, is the first characteristic of all men in any way heroic. Not the sincerity that calls itself sincere; ah no, that is a very poor matter indeed;—a shallow, braggart, conscious sincerity; oftenest self-conceit mainly. The Great Man's sincerity is of the kind he cannot speak of, is not conscious of: nay, I suppose, he is conscious rather of insincerity; for what man can walk accurately by the law of truth for one day? No, the Great Man does not boast himself sincere, far from that; perhaps does not ask himself if he is so; I would say rather his sincerity does not depend on himself; he cannot help being sincere!"¹ Without sincerity a speaker may entertain his hearers; even a hypocrite may accomplish his immediate

¹ Carlyle, *Heroes and Hero Worship*, "The Hero as Prophet."

object. But that is all. The hired spellbinder wins the applause, but not the hearts. The creature who simulates emotion is soon found out and despised. The quest for enduring success is vain without this ultimate and essential basis, — constant, genuine sincerity. Indeed, eloquence might be defined as the speech of one who knows what he is talking about and earnestly believes what he says.

2. **Earnestness.** — The speaker must be dead in earnest. He must be lifted out of himself and beyond all that is petty and beside the point, by the depth of his conviction and the irresistible impulse of his emotion. There is an old Indian legend that a bullet dipped in blood hits the mark. The speaker "should pray to be delivered from the ambition to be eloquent by an ambition to win a result; be careless of admiration and covetous of practical fruits in his auditors' lives. Without this moral preparation he will be a mere declaimer; with it he may be an effective speaker. And whether he is what men call an orator or not is a matter of no consequence." ¹ To impress an audience with his sincerity, the speaker must be sincere; to achieve the effects of earnestness, the speaker must be in earnest. Otherwise, the audience may declare with Emerson, "What you are speaks so loud, I cannot hear what you say." If all this is true, — and there is none to dispute it, — how can circumstances ever justify a speaker in saying anything that he does not believe? And what shall we say of the present systems of intercollegiate debating, under which men regularly speak against their convictions, and endeavor to convince others of the truth of that which they themselves regard as false? The "unreal" formal debating which many deplore is certainly due in part to tradi-

¹ Lyman Abbott, an open letter in the *Outlook*.

tional methods which ignore the fundamental requisites of persuasion.

3. *Simplicity.* — Another source of persuasion in the speaker is simplicity. This reveals itself in his bearing, his manner, in his conversational tone, in the directness and apparent naturalness of his language, in the absence of oratorical cadences and what appear to be premeditated gestures; the absence, in short, of all affectation. What is natural to a speaker is not always effective, but what is put on for the occasion is never effective. Anything other than the thought which attracts the attention of the audience is bad. Clothes, voice, mannerisms, rhetoric, enunciation, gestures, and the very speaker himself are mere means to an end, which is primarily the conveyance of thought. The most successful speaker, therefore, is he who most nearly concentrates the attention of the audience on what he says.

Simplicity requires directness. Rarely is there any good reason for beating around the bush. Excuses and apologies are sometimes prompted by conceit, often they are dishonest, usually of no interest to the audience, and altogether bad. There is but one speech in a hundred which may well begin with excuses; and there are few that begin in any other way.

The first aim of the young barrister should be to study to make his language clear, simple, and pure, and his manner earnest and impressive. Anything like grandiloquence, declamation, poetical flights, and rhetorical appeals, should, as a rule, be most strictly avoided. The modern taste and general tone of thought and feeling in our English courts of justice are utterly opposed to all useless declamatory froth and mere rhetorical display. It is only on very rare occasions that the circumstances of a case afford any just ground for what would be termed any of the higher flights of eloquence. Perspicuity

of language and earnestness of manner are in ninety-nine cases out of a hundred the chief requisite in an advocate's address.¹

The pretentious and bombastic style of public speaking, which was once in favor, now seems ridiculous. Conversation, adapted to a large number of persons, is the best kind of public speaking; the speaker must seem to be talking to each person. The keynote of the oratory of Wendell Phillips, according to Thomas Wentworth Higginson, was precisely this, — conversation "raised to the highest power. Perhaps no orator ever spoke with so little apparent effort, or began so entirely on the plane of his average hearers. It was as if he simply repeated, in a little louder tone, what he had just been saying to some familiar friend at his elbow. The colloquialism was never relaxed, but it was familiarity without loss of dignity." Curtis says of Wendell Phillips: "He faced his audience with a tranquil mien, and a beaming aspect that was never dimmed. He spoke, and in the measured cadence of his quiet voice there was intense feeling, but no declamation, no passionate appeal, no superficial or feigned emotion. It was simple colloquy, — a gentleman conversing." That pretty well sums up the whole question. If we have a high conception of what it means to be a gentleman, and a high ideal for conversation, we may say that the most persuasive public speaker is a gentleman conversing, — his conversation raised to the highest power.

4. **Fairness.** — Fairness is itself persuasive. Do not attempt to conceal important facts which make against your position. Give your opponent all possible credit; concede all that you can honestly concede. Grant him

¹ Plumptre, *King's College Lectures on Elocution*, p. 403. Kegan Paul, Trench, Trübner & Co., Ltd., London.

everything but the one point which you *must* establish. Present his case with manifest fairness. Present it better than he can present it; and, if you can honestly do so, make it even more forcible against your own contentions. If you cannot state your opponent's case, you do not know it; if you do not know it, you cannot hope to refute it; and if you dare not state it, you acknowledge that you deserve defeat at the start. Give your opponent credit for good faith, and thus escape personalities. Save your time and your energy for refuting his arguments rather than himself.

When you quote, quote exactly, if possible. When this is not possible, say so. In reading a quotation, place the emphasis where the writer evidently intended to place it. Omit no qualifying phrases or clauses which have any bearing on the point at issue. In short, try to place yourself in the position of your adversaries; you will then have no temptation to make quotations which invite the charge of unfairness.

Webster's attitude toward an opponent appears in the following quotation from the White murder trial:—

I would gladly find an apology for that witness, in his agonized feelings, in his distressed situation, in the agitation of that hour or of this. I would gladly impute it to error, or to want of recollection, to confusion of mind, or disturbance of feeling. I would gladly impute to any pardonable source that which cannot be reconciled to facts and to truth; but, even in a case calling for so much sympathy, justice must yet prevail, and we must come to the conclusion, however reluctantly, which that demands from us.

In a formal debate, it is persuasive to adhere strictly to all the rules of the contest. The audience loves fair play. A speaker injures his case by every word he speaks beyond the time limit. In a debate some years ago, a

speaker ran over his time a full minute. Nobody listened to what he said, so concerned were both sides to have him stop. The next speaker kept close watch of the time, finished his speech, and said: "I have fifty seconds left; I give them to the gentleman on the negative."

5. **Self-Control.** — A speaker should have self-control. Behind his most impassioned speech he must have reserve force. He must have such command of self that his hearers will believe his convictions to be the result of calm, vigorous thinking, and his strongest emotions to be under the control of his intellect. A speaker who is overcome by his feelings may stimulate his audience to a brief response, but the more enduring persuasion results from a masterful expression of firm conviction, which is felt to be deliberate and just in spite of a speaker's strong feelings. The debater, especially, should remember that a speaker who loses his temper loses his audience.

Self-control is further persuasive through enabling a speaker to master difficult situations. He can rarely foretell all the conditions under which he may be obliged to speak, or all the annoying happenings of the hour. Under the most trying circumstances, he must command his audience. His quickness and tact must seize upon the event which threatens to break up the meeting, and turn a defeat into victory. His calmness must quiet a panic. His firmness must unnerve a mob. To be master of any situation, a man must first be master of himself.

Yet no man should be discouraged because he feels himself deficient in this respect. That confidence which puts a speaker completely at his ease is not to be expected at first, and to many an able speaker it has come not at all. The greatest self-assurance often has the least justification. "Every great orator from Demos-

thenes to Burke," Gladstone once said, "has suffered from nervousness on the eve of an important speech, and although I cannot claim to share their gift of golden speech, I can claim more than a fair share of their defect of nerves."

6. *Humor.* — The possibilities of persuasion are greater if the audience is in good humor. A sense of humor may enable a speaker to use to his advantage what would otherwise be his downfall. Sometimes he can do no better than to relieve the strain of a long, serious address by an illustration or anecdote which is merely amusing. If properly used, it serves the purpose of the jester's scene in a tragedy; by contrast, it heightens the effect of the serious parts. A single touch of humor may be the saving grace of an otherwise tiresome speech. A story may give point and vividness to an argument; it may even render argument unnecessary. But it must be pertinent; it must leave open no chance for ambiguous interpretation; it must be brief; and it must be subservient to the main purpose. Such a story — as illustrated in the speeches of Abraham Lincoln and Booker T. Washington — is in itself persuasive. Let the speaker take care, however, that the audience laugh *with* him, rather than *at* him, and that he leave uppermost in their minds, not the humor, but the serious central theme of his address.

7. *Sympathy.* — An important qualification of the persuasive speaker is sympathy. Indeed, the basis of the whole art of persuasion is a knowledge of human nature as sympathetic as it is wide. The speaker who knows men tells instinctively what emotions he may appeal to in a given audience, what ideas he must leave unspoken, and he knows when another word will spoil all that he has done. Such a speaker will never "talk down" to his

audience; he will not assume the rôle of the dictator; he will not strike an attitude as if to set the world aright; and he will not approach his audience as though he expected to browbeat them into convictions. The persuasive speaker knows that the public is willing to be led, never willing to be driven. So he merely takes them into his confidence, and talks to them as though he thought they knew as much as he knows. Putting himself into the position of his hearers, he selects those phases of the subject which are closest to their interests, as Beecher selected the industrial side of the slavery question in his speech before the workingmen of Liverpool in 1863. He does not blame the people for being unconvinced, but himself for failing to convince them. Feeling with them the difficulty of concentrating the mind on one subject for any length of time, he aids them with variety in tone, in emphasis, in delivery, with the unexpected, with picturesque phrasing and apt illustrations, with touches of humor, and with painstaking avoidance of the commonplace. He watches his audience to discover whether they are following him; he feels intuitively when they do not understand him. A sympathetic speaker can discern a look of intelligence, even in the most stolid faces, which tells him that his ideas are not falling on barren ground. He watches especially those people whose attention he has most difficulty in holding, and he stops speaking before they become restless. In short, the persuasive speaker cultivates the power and the habit of getting the point of view of "the other fellow." He feels the state of mind and body of his every hearer and adapts his address accordingly. This is persuasion.

8. **Personal Magnetism.** — The power of a speaker to draw a whole audience into the circle of his influence,

and to hold them as if entranced until his last word, is more easily felt than defined. This power may be called personal magnetism. It is the sum total of all the speaker's attributes, — his physical, mental, and moral characteristics, raised to their highest power, and working together for a definite object. In this respect, more than in any other, an orator is born, not made. Yet all that a man does to keep his body well formed and strong and healthy, all that he does to make his thought keen and deep and sound, and all that he does to make his conduct right as God gives him to see the right, contribute to personal magnetism. A great and good speaker must first be a great and good man.

II. THE SUBJECT

Important as are the persuasive qualities to be found in the speaker himself, they are but means toward the end of fastening the attention of the audience on the subject. Unless the *subject* is the deepest source of persuasion, there can be no occasion for speaking. When an orator seems greater than his subject, people leave the hall talking about him. But the greatest praise they can give a speaker is to forget his personality and his rhetoric in earnest discussion of the substance of his address. The difference between the oratory of Cicero and Demosthenes has been suggested by this remark: "When Cicero spoke, people said, 'How well he speaks!' When Demosthenes spoke, they said, 'Let us go against Philip!'" One impressed himself on the audience; the other impressed his subject on the audience.

There may be persuasion in a speaker's relation to his subject, as when Booker T. Washington pleads for the uplifting of the negro race, and when Commander Peary urges the support of polar expeditions. After a heated

discussion in one of the social settlement houses of a large city, on the question whether the United States should further restrict immigration, an Indian girl arose and quietly remarked, "So far as I can see, I am the only American present."

But more important than the relation of the speaker to his subject is the principle which abides under the superficial aspects of nearly every subject. This is the chief source of persuasion. The effective speaker probes beneath the surface and the transient situation which gave rise to the discussion, and reveals this underlying principle of universal application. On this principle he makes a final persuasive appeal, leading the audience to feel that the discussion has been worth while after all, and that the minor matters which make against his case are quite overshadowed by the importance of the vital principle. Thus a member of Congress, in defending himself against the petty attacks of organized labor, urged the people to sweep aside all personalities and local issues and decide a broader question, — whether any lobbyist should be permitted to snap his whip over the head of any congressman and dictate how he should vote. The occasion which gave rise to Burke's *Speech on Conciliation* passed into history over a century ago, but the great principles on which the speech was founded still live. So with the master works of Demosthenes, of Cicero, of Erskine, of Wendell Phillips, of the greatest orators of every age and race.

The speaker must study his subject and his audience to determine what are the highest motives to which he can effectively appeal. He must consider, on the one hand, the wealth of ethical incentives in his subject, and on the other hand, the capacity of his audience for responding to these ethical appeals. He must begin with

the lower motives and work up to the higher, remembering that the larger the audience, the higher the motives to which they will respond. In urging students never to destroy college property, a man might present the cost to them of repairs; the fact that, by respecting the wishes of others, they get more respect for their own wishes; and the fact that they will get freedom from restraint only in so far as they do not abuse that freedom. These would be appeals to low, selfish motives. The man might then lift his appeal to a higher plane by pointing out the loss in money to parents, the trouble to college authorities, and the disappointment to friends. He might then appeal to the loyalty of the students to their college, urging them not to injure its good name by their acts. Finally, he might appeal to their sense of gratitude to benefactors, and to their manliness, showing the destruction of property to be a silly, childish, primitive idea of sport, unworthy of educated manhood.

In the appeal to the emotions there is the possibility of something like refutation, for a speaker may offset the persuasion of an opponent in one or both of two ways. First, he may himself respond to the emotional appeal of his adversaries, and show that his own position is quite consistent with these worthy emotions. This method is employed by the first speaker on the negative in the debate in the Appendix. Second, a speaker may offset the persuasion of an opponent by appealing to higher emotions, and skillfully showing that they are higher. This is effective only when the audience responds to this higher appeal. A good illustration is furnished by Theodore Roosevelt in an address on *The Manly Virtues and Politics*. He touches lightly on the motive of self-interest, and appeals directly to the

higher emotions of personal courage and endurance in the performance of duty:—

It is a good thing to appeal to citizens to work for good government because it will better their estate materially, but it is a far better thing to appeal to them to work for good government because it is right in itself to do so. Doubtless, if we can have clean, honest politics, we shall be better off in material matters. A thoroughly pure, upright, and capable administration of the affairs of New York City results in a very appreciable increase of comfort to each citizen. We should have better systems of transportation; we should have cleaner streets, better sewers, and the like. But it is sometimes difficult to show the individual citizen that he will be individually better off in his business and in his home affairs for taking part in politics. I do not think it is always worth while to show that this will always be the case. The citizen should be appealed to primarily on the ground that it is his plain duty, if he wishes to deserve the name of freeman, to do his full share in the hard and difficult work of self-government. He must do his share unless he is willing to prove himself unfit for free institutions, fit only to live under a government where he will be plundered and bullied because he deserves to be plundered and bullied on account of his selfish timidity and short-sightedness. A clean and decent government is sure in the end to benefit our citizens in the material circumstances of their lives; but each citizen should be appealed to, to take part in bettering our politics, not for the sake of any possible improvement it may bring to his affairs, but on the ground that it is his plain duty to do so, and that this is a duty which it is cowardly and dishonorable in him to shirk.

To sum up, then, the men who wish to work for decent politics must work practically, and yet must not swerve from their devotion to a high ideal. They must actually do things, and not merely confine themselves to criticising those who do them. They must work disinterestedly, and appeal to the disinterested element in others, although they must also do work which will result in the material betterment of the com-

munity. They must act as Americans through and through, in spirit and hope and purpose, and, while being disinterested, unselfish, and generous in their dealings with others, they must also show that they possess the essential manly virtues of energy, of resolution, and of indomitable personal courage.

If a debate turns out to be dull, after the subject has been chosen with due regard to the suggestions we have given, the speakers must not blame the subject. There are possibilities of interest and delight — sources of persuasion — in every debatable question, and there are speakers who can always find and use those possibilities. Such speakers should be *studied* at every opportunity.

III. THE OCCASION

The occasion itself may be inspiring. The air may be vibrant with persuasive influences, to which the speaker has only to yield himself. Party enthusiasts in the heat of a political rally and students celebrating an athletic victory greet the most stupid words with prolonged applause. The speaker has only to enter into the spirit of the occasion. Usually, however, the speaker is lost whose power depends on the inspiration of the occasion; he must master the occasion through his power. The ordinary attitude of the modern audience is indifference. At the outset, the speaker can almost hear them say, "Come, now, if you have anything worth saying, say it right away and say it well, or we are done with you."

There is persuasion latent in every occasion. Whether the speaker summons it forth depends on his ability to adapt his subject to the occasion. This, in turn, depends in part on his knowledge of the occasion. No fact is too insignificant to be of possible aid to him in adaptation. He must know the attitude of his audience. Ruskin, in the first lecture of *Sesame and Lilies*, said: "I never can

go on with an address unless I feel or know that my audience are either with me or against me. I do not much care which, in beginning; but I must know where they are." The hearers must be made to feel that the whole address is meant for them on that particular occasion. Earmarks of previous use are almost fatal. Let the audience once discover that the speech was prepared for another time and place, and is now served up to them as a cold after-thought, and their feelings cool perceptibly. Adaptation is the secret of persuasion. ,

THIRTEENTH CHAPTER

DEBATING

"The supreme advantage of debate is that it compels a man to think. A man is not a man unless he is a thinker — he is a fool, having no ideas of his own. If he happens to live among men who do think, he browses, like an animal, on their ideas. He is a sort of kept man, being supported by the thoughts of others. He is what in England we call a pauper, who subsists upon outdoor relief allowed him by men of intellect." — J. G. HOLYOAKE.

THE oral presentation of argument under fixed rules, whereby each side of the question is given a limited hearing and immediate opportunity to reply to the other side, is called formal debate. Nearly all that we have said about argumentation applies as well to the art of debate. Those matters which apply particularly to formal debate we have now to consider.

Debating not mere Contentiousness. — Debating, as the term is here used, does not mean mere contentiousness, — discussion carried on "just for the sake of argument." It was said of one man: "He is a born debater. There is nothing he likes better than an argument. He will not even eat anything that agrees with him." The trained debater is not of this class. The more he knows about the science of logic and the art of debate, the more reluctant he is to engage in futile argument. And disputes are, for the most part, futile. They set out on their wanderings from nowhere and arrive nowhere; there is no common ground; no truths accepted as a basis of debate; and the more contentious the disputants become, the more likely it is that they know not what they are

discussing. Such parodies on argumentation fail to interest a person who has cultivated a rational habit of mind.

Debating a Kind of Game. — Formal debate is a kind of game. In the time limit, the order of speakers, the alternation of sides, the give and take of rebuttal, the fixed rules of conduct, the ethics of the contest, the qualifications for success, and the final awarding of victory, debate has much in common with tennis. The debater needs the clear head, confidence, self-control, quick judgment, foresight, decision, and endurance of the tennis expert. In the stress of actual debate, he must discover his opponent's weakest spots; he must be alert to detect the unguarded points in the defense, and strike them at the right time. Often in debate, as in tennis, an opening is offered which must be taken at once or lost forever. In debate, as in tennis, an adversary may strike beyond the bounds of the contest. Then the wise policy is to take advantage of the digression, without digressing. In tennis, the player must plan his attack and foresee its outcome with reference to the anticipated defense; so in debate, the speaker must perceive how his own case will develop and result in actual conflict with the case of the other side. Within the limits of the contest, and with timely consideration of every possible defense, debater or tennis player must select that kind of an attack which seems most likely to fall beyond the reach of his opponent's strongest strokes. The tennis player may grant his opponent a brilliant superiority in net play, and yet win by keeping the game away from the net, while excelling in other plays. The debater may grant his opponent the advantage on one issue, and yet win by driving him to greater issues on which he himself holds the balance of power. Indeed, the simile might

be carried further, for victory in debate, as in tennis, depends largely on years of training, and on the mental alertness and physical endurance of the contestants.

Burden of Proof and Presumption. — We have seen that the proposition should be so phrased as to place the burden of proof upon the affirmative and make the presumption in favor of the negative. The burden of proof and presumption vary with time and place. In Kansas the presumption is in favor of the prohibition of the liquor traffic; in the United States as a whole the burden of proof is on the prohibitionists. Forty years ago the burden of proof rested heavily on those who advocated elective studies in the college course; now the burden of proof is on the other side. Those who advocate Free Trade for the United States have the presumption against them, not because of the merits of the question, but because the Protective Tariff is the established policy of the nation.

The matter of burden of proof and presumption is of greater importance in law than in formal debate; for in law the defendant wins his case unless he is proved guilty; a man retains what he possesses until it is proved before the law that he has no legal title to it. A case may be won on technical flaws. A murderer may be acquitted because the evidence is not quite sufficient to establish reasonable probability of guilt. A man is assumed to be what he professes to be until the contrary is proved. In formal debate, however, the audience expects more than this. Technically it is still true, on a question properly phrased, that the negative wins if the affirmative offers nothing, or if the negative overthrows all that the affirmative tries to prove. But in formal debate, and in all dealings with the public, the proposition must be treated in a broader way than is

necessary in the law court. The public are not satisfied if a party prove merely that its candidate for reelection has done nothing bad, and a debater who attempts to win on a technicality, or who is satisfied with presenting a purely destructive negative case, usually loses the sympathy and the verdict of the audience.

In formal debates, like those held in college courses and between institutions, it is not appropriate or effective to make much directly of this matter of burden of proof and presumption; for the sides of the question are supposed to be as nearly even as possible. The side, therefore, which attempts to show at the outset that the question throws a great burden of proof on the other side loses the sympathy of the audience which, in a formal controversy, usually goes to the side which has the more difficult task. Moreover, as was shown under the head of fallacies,¹ the mere fact of existence is logically no proof whatever of right; and the man whose argument depends to a large degree on veneration for the existing order of things deserves to lose the confidence of a reasoning audience. Manifest attempts to shift the burden of proof in this technical sense to the other side are not advisable, although all argument is intended to shift the *actual* burden of proof. The debater who is skillful enough to shift this actual burden of proof upon his opponents need not tell his audience about it in technical terms. They feel it.

The Tendency to Quibble. — Debates are often unsatisfactory because of quibbles over the meaning of terms, evasions of what seem to be the main issues, and consequent failure of the sides to clash. No matter how carefully a proposition is phrased, some disputants, with more ingenuity than sense, will try to force upon

¹ See page 160.

their opponents unusual meanings of the terms, and seek still further to evade the real issues of the question by a narrow and strained construction. This kind of "debating" should be condemned. Men should remember that such quibbling over words is no preparation for the problems of life; that the object of argumentation is to arrive at truth, not to obscure truth. Trick plays have a taint of meanness. A debater who insists on a controversy over words instead of ideas is like a runner who strives to push his rival off the course so that neither can breast the tape. In any event, a victory won by fouling an opponent is less to be desired than a manly defeat.

Even when there is no intentional dodging of the issues, eagerness to win often leads to such curious tricks of interpretation that the opposing teams fail to clash early in the contest, if at all. In a debate at the University of Wisconsin, on the proposition, "Resolved, that a system of compulsory workingmen's insurance should be established in the United States," the two sides failed to clash. One side interpreted the proposition as meaning that the employers should be compelled to insure their laborers. The other side insisted that compulsory insurance was the requirement that workingmen should insure themselves. Thus the two sides moved by each other as smoothly as passing trains on parallel tracks. There was no debate. A real debate is a head-on collision. When the two sides fail to come squarely together before the time is half spent, the audience become restive, if not disgusted. They feel that the series of addresses would have been more profitable to both speakers and hearers, if a real debate could have been guaranteed by agreement before the day of the contest on various introductory matters of interpretation.

Value of the Exchange of Briefs for College Debates.

— In the law courts, much inconsequential discussion and waste of time is obviated by the submission of briefs. The lawyer is obliged to inform the court and the opposing counsel of his argument before the case can come up for trial. In the most satisfactory college debating courses, each side is required to submit its brief a week or two before the debate. For first practice, there must be a common Introduction, containing the necessary definitions, historical matter, admitted matter, clash of opinion, and resulting main issues, all of which is agreed to by both sides. The Brief-Introductions in the second and ninth chapters were thus prepared jointly by opponents in class-room debates, and discussed with the instructor at a conference. The object of this preliminary conference on the briefs is to secure a contest which shall be a real debate from the start. The agreements tend to prevent quibbling over terms, failure to meet on the issues, and the waste of time occupied in proving at length what the other side summarily admits. The resulting debate is worth much more to the auditor who wants to learn something about the question, and to the student who wishes preparation for the real contests of business and professional life. Such a debate is less academic. The rebuttal is more likely to come early when the need arises, rather than all at the end as now too frequently happens in intercollegiate debates. The submission of briefs, containing full Introductions to which both sides have agreed and bare outlines of the arguments on each side, seems as highly desirable in intercollegiate debates as in law courts and college courses. Such a plan would go far toward eliminating some of the most objectionable features of present intercollegiate debating.

Preparation. — It has been said that the main rules for preparing for a debate are three: "Read. Read much. Read very much." But these rules must be supplemented by three of even greater importance: "Think. Think much. Think very much." The tendency of students is to make reading a substitute for thinking. If they cannot find ready-made arguments, a case worked out for them on the exact proposition, they complain that there is no available material. They expect to prepare for a debate as they do for a declamation. But debaters should consult printed matter mainly for facts to think about. Their reading should enlighten them as to the origin and meaning of the question, furnish the historical basis for the discussion, warn them against untenable positions, reveal the strong and the weak points of the other side, and suggest evidence for them to interpret and employ. Debaters should react on what they read and make it their own. They must expect to work hard, for in all undertakings in which the reward is great, the labor is great in proportion. "All things excellent are as difficult as they are rare."

A book on oratory recommends the following method of learning to speak, as given by one who had tried it: —

I went to my room, locked the door, placed the Bible before me on a mantel, opened it at random, and then on whatever passage my eye chanced to rest, proceeded to deliver a discourse of ten minutes. . . . At first I found it very difficult to speak so long right to the point. But then if I could n't talk *on* the subject, I would talk *about* it, — making good remarks and moral reflections, — being careful to keep up the flow, and say something to the end of the term allotted for the exercise.

This advice is pernicious. The groundwork of all good speaking is and must be sustained and vigorous thinking. No devices of elocution, no training in loqua-

city, can take its place. Elocution does very well as far as it goes; but "it is a mighty bloodless substitute for life." And thinking is the life of public speaking. The very reason why we hesitate to trust ourselves to the mercies of orators is that so many of them do "keep up the flow" even when they cannot "talk *on* the subject." Such practice may produce what Tacitus calls a "lean and bloodless, sickly race of orators, without sinew, color, or proportion," but it can never produce sound reasoners.

It may be true of after-dinner speaking, as Colonel Higginson says, that the best things are "almost always the sudden flashes and the thoughts not dreamed of before. Indeed, the best hope that any orator can have is to rise at favored moments to some height of enthusiasm that shall make all his previous structure of preparation superfluous; as the ship in launching glides from the ways, and scatters cradle timbers and wedges upon the waters that are henceforth to be her home."¹ The simile is a good one, for a previous structure of preparation from which to launch is as essential in public speaking as in shipbuilding. Speakers usually find that the "sudden flashes" do not respond to what is called the inspiration of the moment. The main reliance must always be the solid structure of preparation.

After a person has thought long and hard on one subject for debate, has done his best to get at the bottom of it, and has met worthy opponents in a well-fought contest, he begins to see the shallowness of his knowledge on other subjects. Ever after he is inclined to be dissatisfied with work half done, and he does not call every flimsy discussion a debate. He has set up a stand-

¹ *Hints on Writing and Speech-Making*, by Colonel T. W. Higginson, p. 70. Lee & Shepard, Boston, 1887.

ard of achievement, the value of which it is difficult to overestimate. A person, on the other hand, without the training of sustained and vigorous thinking, is prone to give snap judgments. It is hard to convince him that opinions worth anything are not to be picked up on every street corner. Yet his opinions must be of trifling value, off-hand verdicts based on shallow and accidental knowledge of the subject, or of some other subject.

The debater who substitutes a little reading for a lot of thinking, or relies on fluency and the inspiration of the occasion, is like Gratiano: He "speaks an infinite deal of nothing. . . . His reasons are as two grains of wheat hid in two bushels of chaff: you shall seek all day ere you find them, and when you have them, they are not worth the search." The master in the art of debate is not known by his assurance and fluency, not primarily by his cleverness, not even by his learning, but rather by his breadth of view, scientific method, thoroughness of preparation, precision of statement, and hatred of superficiality, — in short, by his habit of mind.

The First Speech for the Affirmative. — The opening speech should present all the steps in analysis which are necessary for an understanding of the debate and no more. As the subject of analysis has already been fully discussed, we need add nothing here but a few illustrations from recent debates.

The Introduction should be unprejudiced. Objectionable in this respect are the opening speeches of an inter-university debate held a few years ago. The first speaker for the affirmative began as follows: —

For years the Southern problem has been before the nation. Other issues have at times taken the foreground, have been decided, have passed away, and the Southern problem has always remained. But a movement was begun about fourteen

years ago, which in its fair and legal application restricted the negro vote. This movement in a legal way is solving the problem. This is the movement that we are considering to-night, viz. : "The changes in the constitutions of the Southern States since 1889, by which the negro vote in such states has been restricted, are, on the whole, to be commended."

The first speaker for the negative began as follows : —

Since the ratification of the Fifteenth Amendment, there has been a faction of Southern political leaders who have never been satisfied with this provision, because it conferred upon the negro the right of exemption from discrimination, in the exercise of the elective franchise, on account of his race, color, or previous condition of servitude. This class of men, through their fraudulent and cunning devices, have succeeded in disfranchising the negro in six of the Southern States, by incorporating into their constitutions suffrage clauses which practically eliminate from the body politic negroes, both literate and illiterate. We who live in the North do not realize, at first glance, the magnitude of injustice caused by the workings of these suffrage clauses.

Both speeches thus begged the whole question at the very outset, without presenting any of the definitions, admitted matters, origin and history of the question, necessary for an understanding of the argument. If the unsupported assertions of either of these first speakers were true, there was no need to proceed with the debate.

Somewhat better than these prejudiced and deficient introductions are the following opening words of a recent debate at New Haven, although even in this speech, the italicized parts are objectionable : —

The proposition we have to consider this evening is, Resolved, that further restriction of immigration is undesirable. By "further restriction" is meant the application of additional tests with the object of diminishing materially the number of immigrants; but the nature and practicability of such tests are

not to be discussed. It is distinctly specified that any further restriction must be with the object of diminishing materially the number of immigrants. Any discussion, then, of the desirability or undesirability of further restriction must evidently be based on the assumption that such restriction is advocated with the distinct object of materially reducing the number of our immigrants. But before discussing the desirability of any further restriction, let us review briefly the facts of the present situation.

The question of immigration is not a new one. It has been discussed from one end of this country to the other, debated by Congress, and investigated by congressional committees. In 1903 the Industrial Commission, after a *most thorough* inquiry extending over five years, presented to the consideration of Congress eighteen distinct recommendations dealing with *every phase of the subject*, and designed to remedy *as far as possible any evils* in the existing immigration situation. Every one of these recommendations is embodied in the laws of to-day. These laws, then, are not merely theories. They are the outgrowth of years of practical experience, and of *the most profound thought*, and as such we must have them clearly in mind before there can be any discussion as to the desirability of additional tests. These laws *exclude* to-day all idiots, insane persons, epileptics, paupers, criminals, convicts, anarchists, polygamists, beggars, and those afflicted with loathsome, dangerous, or contagious diseases. They forbid the entrance, except in certain specified cases, of any who are under any agreement to perform labor in the United States, or whose passage has been prepaid. And, as an additional safeguard, the commissioners have been given further authority to exclude all those who in their opinion are likely to become public charges. Moreover, the laws provide that if any immigrant becomes a public charge, or is discovered to have entered in violation of the law, he may be deported from this country within two years after landing. Consequently, we may be reasonably sure, that any immigrant who is admitted under our laws to-day *has previously been able to prove, under exacting physical examination*, that he is healthy, moral, industrious, free from all crime or disease, and willing and able to

earn his living by the sweat of his brow. Now, while the affirmative is perfectly willing to admit that there may be minor defects in our laws to-day, while we readily admit the desirability of any modification or improvement looking to their better enforcement, we consider as distinctly undesirable any further restriction with the object of diminishing materially the number of our immigrants.

Still better than any of the preceding introductions is the opening speech in the Chicago-Michigan debate of 1908 on the proposition, "Resolved, that corporations doing an interstate business should be required to take out a Federal charter." The main defects in this speech are that the issues are arbitrarily laid down, and that the evidence is indefinite and inadequate.

The last twenty-five years have witnessed a remarkable increase in the number of our corporations, and a corresponding change in their character and business. The early corporations rarely did business outside the limits of their own states, but to-day nearly every corporation has its customers and stockholders, buys its supplies and sells its products, in every state of the Union. In the words of Judge Dill, "Our corporations have overleaped the boundaries of the states, until their financial roots extend down into every commonwealth and municipality in this entire land." So true is this, that there has come a demand, voiced by such men as Professor Vilgus, of the University of Michigan, and President Roosevelt, that our corporations be directly chartered and controlled by the national government. It is this proposition that we present to-night.

Our resolution provides that all corporations engaged in interstate commerce must obtain, from the national government, instead of from the states as at present, charters defining their powers and organization. The conditions upon which Congress will grant these charters will reflect the public policy of the entire nation in reference to this subject. And in so far, of course, as the proposed national corporations engage in business confined to the separate states, they will remain

subject to state regulation, because Congress cannot, under the Constitution, concern itself with anything except their interstate business.

The affirmative will uphold this proposition upon four grounds: *First*, that there are evils in our corporations at the present time, serious and national in their scope; *Second*, that these evils are inherent in the system of incorporation by the various states; *Third*, that for these evils, Federal incorporation is the only logical and effective remedy; *Fourth*, that national incorporation would be a wise extension of national activity. In short, in contrast to a system of state control of national corporations, we propose a system of national control.

It is true, as doubtless will be contended by the negative, that some of our corporations are honest and law abiding. But in other corporations there are grave evils, which must be remedied, not for the sake of the public alone, but as much for the sake of the good corporations, which suffer by association. These evils may be roughly grouped under three heads: *overcapitalization, interholding of stocks, and dishonesty in promotion and management.*

The first of these evils, overcapitalization, is illustrated by Charles E. Russell, in *Everybody's Magazine* for December. He states that in 1890 five tobacco companies with \$400,000 of assets, less than half a million, were consolidated into a New Jersey corporation with a capital stock of twenty-five million. Small competitors were absorbed, and issue upon issue of stock followed arbitrarily from time to time, until in 1901, the total stock issued had reached the two hundred million mark. And in the present year, the total capitalization of the American Tobacco Company, including its subsidiary corporations has reached the enormous figure of five hundred million, whereas a liberal estimate of the value of the actual assets of this corporation would be but a fraction of that amount.

Again, the American Chiclé Company is capitalized at ten times the value of its assets, and these are but one or two of numerous instances that might be cited, indicative of the almost universal tendency toward overcapitalization and stock watering in this country to-day.

What are the consequences of this? First, the public, by the inducements of skillful promoters, is led to invest in the stocks of a corporation, expecting thereby to acquire a proportional share in its assets, whereas in fact, every dollar's worth of assets is made to do service for many dollars' worth of stock, and the inevitable result is one of two things: either the investors lose by the fall in the value of the stocks when the facts become known, or, if the corporation holds a monopoly, the consuming public is forced to pay prices sufficiently high to yield dividends upon a capitalization of several times the actual amount invested.

Both of these obvious evils of stock watering are illustrated by the case of the Metropolitan Railway in New York. Stock in the Metropolitan, floated by the influence of such men as Whitney and Ryan at 269, now goes begging at 35, the difference representing a loss to investors of \$234 on every share of this stock. And moreover, largely because of this stock watering, the necessity of saving to stockholders even the little value which is left compels the laborers in New York to pay five cent fares to-day, when, had this water been kept out, the Metropolitan could well afford to charge but three cent fares, and still declare a handsome dividend upon its just capitalization.

The same is true of sugar. The late President Havemeyer testified before the Industrial Commission that while the capitalization of his trust was seventy million, all its equipment could be duplicated at thirty million. Nevertheless, it will not be denied that the price of sugar, which you and I have to pay, is fixed to yield dividends on the seventy-five and not upon the thirty million.

The second great evil is the holding corporation. By this we mean a corporation organized for the sole purpose of holding shares of stock in other corporations. To illustrate, we will take a corporation capitalized at one hundred million. Three men, who own 51 per cent of the stock, can organize a second corporation which dominates the policy of the first. Two of these men, who together own twenty-six million of the stock, a majority of the 51, can organize a third corporation within the other two, which dominates the policies of both, and one of these two men, who owns fourteen million of the stock, can

organize still another corporation, which will control absolutely all the corporations in this series, ending with the one hundred million dollar corporation with which we started.

This is not fiction, but the common practice by which monopolistic control is secured, and the evil of it is that it permits a man with a comparatively small amount of capital to dominate a large amount. Thus the secret of Harriman's control of railways lies in his astute organization of series upon series of holding corporations, such as the notorious Railway Securities Company, by which he is enabled to dominate an amount of wealth many times greater than even a man with his vast resources could otherwise control.

This fact suggests the second abuse of holding companies, which is that the corporations held, instead of being administered in the interests of their stockholders, become mere tools for exploitation in the hands of the corporations holding. And this is why it is that a court of equity, here in Illinois, entertains the suit of Stuyvesant Fish to enjoin the voting of Illinois Central Stock held by the Railway Securities Company for the Union Pacific. Not because the court is concerned with the personal interests of Mr. Fish, but because the stockholders in the Illinois Central are entitled to have their property voted and administered in the interests of the Illinois Central, and not as a pawn in the game of the Union Pacific.

The third class of evils, which is broad enough, indeed, to cover a multitude of sins, is dishonesty in promotion and management. In the brief time allotted, we can hope to mention but a few of the commoner phases of this abuse. They consist of misrepresentations to the public, through false prospectuses and financial reports, and the misappropriation of corporate funds. By this we refer not to bald embezzlement, such as a real corporation magnate would deem stupid, but to such practices as the payment of dividends out of capital stock, diverting the proceeds of loans, and making secret profits out of corporation contracts. If the same board of directors controls a railroad, a construction company, and a bank in which the deposits of all are kept, it can readily be seen how, in making contracts between themselves as one corporation and themselves as another corporation, grave

abuses can creep in. These abuses are, unfortunately, familiar to all of us.

Such, then, are the evils of present day corporations, — Overcapitalization, Interholding of Shares, and Dishonesty in Promotion and Management, — and inasmuch as the present system of corporate creation and control offers no relief, we submit that their seriousness can hardly be overestimated.

We come now to the essence of this whole discussion. What is it that permits and fosters these abuses? It is the system of incorporation by the various states. By this we do not mean to imply that no states have good incorporation laws, for some, like Massachusetts, have. But other states, conspicuously Delaware, West Virginia, and New Jersey, have loose codes, and naturally it is states like these that charter the majority of our corporations. Their charters obtained, these corporations go to the good states and secure permission to do business as foreign corporations, which is uniformly granted, because to refuse domestication means a corresponding loss in the business of the state. Under this system it is not strange that we have corporations operating under charters which regulate but feebly, if at all, nor is it surprising that our promoters seek out the states which suit them best.

None of our states imposes a limit on capitalization, and in only one state, Massachusetts, is the promoter asked to publish the basis upon which he computes it. Thus if he wishes to fix the capital at one hundred thousand when the assets of the corporation are worth but thirty, plenty of states can be found which will permit him to do it. And if he wishes to acquire control by means of a holding company, he can find states which will permit that. And if he wishes freedom from control, states there are which impose no duties beyond the payment of the fees. In fact, so far have some states gone in liberalizing their laws for the purpose of attracting corporations, that charters can be had for the asking, where there is no franchise tax; no limit on capitalization; no amount of stock required to be subscribed; no examination of books; the office may be kept anywhere, and business of any kind may be done anywhere!

Under the present system of state incorporation, we can

entertain no hope for unified action on the part of the states, by which, alone, this situation could be relieved. The report of the American Bar Association for 1906 states flatly, in reference to a uniform incorporation law, that the voluntary coöperation and concerted action by the states is not to be expected. And if this were undertaken, so long as a single state held out, we should be in the same deplorable situation still.

Admittedly, then, we cannot look to the system of state incorporation for the removal of the evils which are inherent in it, — this system of which Commissioner Garfield says that its diversity is such that in operation it amounts to anarchy. The inference is irrefutable, ladies and gentlemen, that we must look to some other system for relief. And as my colleagues who follow me will show, that system is *National Incorporation*.

After presenting such introductory matters as the proposition demands, the opening speaker should take up the first issue and endeavor to make definite progress with the case of the affirmative. He should show the relation of his work to the work of the other speakers on his side; and he should make clear just what he understands to be the bearing of his argument on the negative side, and what, consequently, his opponents must do to meet the contentions of the affirmative.

A complete opening speech which embodies all these essentials is found on the negative of the debate in Appendix VIII; and a complete opening speech which fails to present these essentials is found on the affirmative of the same debate.

The First Speech for the Negative. — The first requisite of the opening speech for the negative is adaptation to the preceding speech. It is this which distinguishes a debate from a contest of memorized declamations. The speaker must make clear to what extent he accepts the work in analysis presented by the affirmative. If he

does not agree with the interpretation of the proposition and the issues, as set forth, he must give satisfactory reasons for differing. To the affirmative belong the duty and right of interpretation. Unsupported objections on the part of the negative count for nothing.

The Cornell-Pennsylvania debate of 1908 furnished an illustration of a successful opening speech for the negative side. The proposition was, "Resolved, that aside from the question of amending the Constitution, it is desirable that the regulating power of Congress should be extended to all corporations whose capitalization exceeds \$1,000,000."

We are here to discuss one single, specific proposition; namely, the plan just brought forward by the affirmative. We are just as desirous as the affirmative can be of remedying present conditions; but we question seriously whether the sweeping extension of Federal power advocated by the affirmative is either necessary or desirable. To appreciate fully how sweeping in character is this remarkable proposal, let us see what regulating power includes.

This is a term used in the Constitution to define the power of Congress over interstate commerce. Its extent has been passed upon by the Supreme Court in a score of cases; and its meaning is therefore to-day not open to the slightest doubt. It includes the power to foster, to encourage, to restrict, to destroy, limited only by the discretion of the regulating agency. Not only is it sweeping, but it is exclusive. The Supreme Court cases distinctly hold that a grant of power to Congress excludes all regulation by the states in that field. The power to regulate extends from the most general operations to the minutest details, and is limited only by the discretion of the regulating agency.

What, then, would this extension of Federal powers advanced by the affirmative mean? It would mean, in the first place, a radical departure from all our present ideas concerning the relation between the states and the Federal government. At present the Federal government exercises a general

control over affairs of national scope only, and distinctly leaves to the states control — absolute control — over matters of purely local extent; but this remarkable plan brought forward by the affirmative would include all corporations without regard to the nature of the business, without regard to the scope and extent of the corporation, and without regard to the power of the states to regulate that corporation. Why, among the corporations that would be affected by this act, some 800, according to Moody's "Corporation Manual," would be either local public service corporations or corporations which operate only in a single state; that is, it would include light companies and water companies and street railway companies. Over 230 street railway companies would be brought under Federal control by this affirmative proposal. Now, these are neither of national scope nor of national concern. If the Federal principle is to be maintained, a corporation which operates only in a single state, no matter whether it is capitalized at \$1,000,000 or \$10,000,000, should be controlled only by the state in which it operates. The mere number of shares of stock a corporation issues is not what makes it a problem of national concern. Yet, the affirmative must justify this as a line of demarcation between state and Federal authority.

But perhaps the affirmative would justify this plan on the ground of present lack of uniformity in state laws. They say the state laws are so diverse that the states are powerless to control the corporations at present because of lack of uniformity; but I ask you, is lack of uniformity an evil? Is it established that uniformity in state laws would be desirable? There is no uniformity in nature, in resources, in industry, in development. This is a broad country; the needs of Nevada are not the needs of Massachusetts; the interests of the Dakotas are not the interests of Florida; the corporations of these states are as varied as their climates. Yet the remarkable proposal of the affirmative would apply to the cotton mills of Georgia the same general laws of regulation as they would apply to the irrigation companies of Wyoming.

I ask the gentlemen of the affirmative: is not this plan they propose revolution rather than evolution? Is not the principle

of American development to try existing powers to their full extent, to proceed slowly, step by step, rather than by one sudden sweeping away of all the corporation laws which are the result of our experience? What is there leading up to this plan? What is the evolution that has preceded it? Have we had any assurance from our past that the Federal government would be an efficient agency for the control of corporations?

Moreover, have we the present knowledge which entitles us to attempt at this time to solve once for all this great, mighty corporation problem? The problem is comparatively recent. Men have but lately begun to study it, and they disagree even as to the most general principles. Why, for instance, Massachusetts a few years ago, in an effort to cure overcapitalization (which the affirmative has complained of) by mere legislative tinkering, passed a law prohibiting the capitalizing of anything except tangible assets. Last winter Massachusetts repealed that law, finding it did absolutely no good, but was productive on the other hand of positive harm to industry and legitimate enterprise. Opinions that men held firmly five years ago, they doubted two years ago and to-day have abandoned. Do we know definitely what we want? Are we sure that the legislation we would enact to-day we would not be ready to repeal to-morrow? Moreover, who is in favor of this remarkable plan brought forward by the affirmative? Who is urging it? What economist, what statesman, would classify corporations — or rather fail to classify — according to the number of shares of stock they issue rather than the nature and scope of the business? In all the discussions before Congress last winter upon this problem, did any one advocate this particular solution? Almost any plan, however wild, will receive for a time a certain degree of support. Did any one of the experts gathered before the Industrial Commission advocate this particular plan? Silence places on the affirmative a strong burden.

The whole plan of the affirmative is characterized by an undue faith in legislative tinkering as a cure for all conceivable ills. They propose a mere legal device, — a mere shifting from one regulating agency to another, and expect the whole corporation problem to be solved. This problem

is comparatively new, but they say if one regulating agency has not solved this problem in a few years — a new problem — why, try at once another agency; that is, if a bottle of Kennedy's Burdock Bitters does n't cure at once, try a bottle of Warner's Golden Discovery!

Do not the affirmative fail to consider that the abuses they complain of result not so much from lack of laws and lack of existing powers, as from lack of enforcement of existing laws and the inherent difficulties of the problem? How, for instance, would the affirmative cure the overcapitalization they complain of by mere legislative action? Will mere laws reform the morals of directors? Will mere legislation cure the speculative tendency on the part of the public? What would the affirmative do? We ask them to be specific. Would they have Congress — a body already worked to the limit — regulate the heating of street cars in Portland, Oregon; or would they operate through bureaus and have a bureaucracy, — a commission for the regulation of water works and a board for the heating of street cars? Have we any reason to believe that Congress is more responsive to public opinion than are the state legislatures? Will Congress provide better legal machinery for the enforcement of its laws? Are Federal laws harder to evade than state laws?

Ladies and gentlemen, the proper spirit in which to approach this mighty question is in a spirit of conservatism. Is it not better for us to try out existing powers to the limit, — to proceed slowly, step by step, rather than to fly from one regulating agency to another and experiment with evils whose force we do not appreciate? Remember, that the conspicuous errors in our history were the result of cases where we took abrupt and quick steps without a slow process of evolution. It is better to proceed carefully, to gather all knowledge on this important subject, rather than to accept a sweeping proposition unprecedented in our history, evolving out of nothing and unsupported by authority or experience.

If the affirmative speaker has failed to analyze the proposition and set forth the issues, the negative speaker must supply the deficiency. In the debate which is

reported in the Appendix, the first speaker for the negative supplied the necessary introductory matter neglected by the first speaker for the affirmative.

Furthermore, the first negative speaker must either refute the arguments just advanced or show good reason for postponing the refutation. Arbitrarily to postpone answering the contentions of the first speaker looks quite as suspicious as to ignore them utterly. Usually there is no time for complete refutation. The debater should avoid scrappy work by taking up a single main point and hitting that hard.

If the closing argument of the affirmative speaker has evidently made a strong impression upon the audience, and is uppermost in their minds, the following speaker cannot afford to ignore it. He must reply at once; but the amount of time which he can allow for the reply will depend on the amount of constructive work still to be done for his side. In the Harvard-Yale debate, on the question whether the history of trades-unionism shows a general tendency detrimental to the best interests of the country, one speaker closed with great praise of trades-unions for their willingness to arbitrate. The following speaker took up that argument at once, and said, in refutation :—

You have heard the last speaker dwell upon the benefits of arbitration. But what kind of arbitration, ladies and gentlemen? The arbitration they are seeking to establish involves conditions with which the employer cannot comply. How can employers arbitrate regarding paying men twenty dollars per week, when to do it would render their economic existence impossible? Let me read to you these words from the third vice-president of the American Federation of Labor: "If the employers won't arbitrate and give us what we want, then we will fight for it until we get it." What kind of arbitration is that? "If they won't arbitrate *and give us what we want,*

then we will fight for it until we get it.”¹ And how can the employers of this country arbitrate with men who continually refuse to become responsible for the contracts which they make? Trades-unions absolutely refuse to incorporate, and how can we ask responsible corporations to make contracts with organizations which are irresponsible? Is this arbitration?

At the close of his speech, the first speaker for the negative should summarize his own argument, show its bearing on the argument of the other side, and point out just what work, in view of these facts, the affirmative has still to perform.

The Other Main Speeches. — For the other speakers, the first requisite is adaptation. They must adapt their work to that of the other side, as the debate proceeds, and they must adapt their work to that of their colleagues. Team-work is essential. A debater who will not play precisely his part, who refuses to sacrifice individual notions for the sake of the whole case, is as objectionable as a football player who ignores the signals or refuses to follow his interference.

It is the duty of each speaker to summarize, not only what he has said, but all that has been said on his side up to that point. The fact that the opposing speakers intervene to distract the attention of the audience makes this kind of team-work necessary. It helps to keep the whole case in view, and thus makes the final summary more significant and effective. A word of caution is here necessary. Time will not allow an elaborate and detailed summary. Only the main points can be given, with terse, clear reminders of the means by which they were proved.

¹ The reader may here recall the comments, in the tenth chapter, regarding the value of repetition for emphasis.

A debater can usually decide beforehand with what argumentative and emotional appeal he wishes most vividly to impress his audience. With this he should plan to close his speech, and he should become so familiar with it that a terse and forcible phrasing will be sure to respond to his thought when the time comes for delivery. Rarely will the course of the debate be so far from his expectations that he will be obliged utterly to abandon the chosen peroration. Knowing that in these closing words all his strength must be summoned for a final attack, knowing that this is his last chance to win the audience before the other side has the floor, or the judges render their decision, the debater has no excuse for presenting a weak ending. When he sees that he has only a little more time than is necessary for his peroration, he should at once bring to a close the part on which he is speaking, omitting important points, if necessary, in order to round out his speech with what is *most* important. Unless he follows this deliberate plan, he may be cut off abruptly and obliged to leave his speech hanging in the air, an experience as awkward as it is common.

Rebuttal Speeches.—Those who have difficulty in analyzing an opponent's case as he speaks and in rapidly preparing answers may yet become effective speakers in rebuttal, for effective speakers seldom rely on the inspiration of the moment, as is commonly supposed, to furnish rebuttal material. A speech which is admirably fitted to another, which seems in every detail to grow out of the immediate occasion, may have been prepared in all its essentials long before the debate. Webster's *Reply to Hayne* was almost entirely refutation; yet Webster declared that all the material had been waiting in his desk for months. "If he had tried to make a speech to fit my notes," said Webster, "he could not have

hit it better." Debatable questions have usually been so extensively discussed that arguments are rarely presented in debate which could not have been anticipated by thorough preparation. To be sure, the relative emphasis placed on the parts, the arrangement, the phrasing, and the arguments ignored by an opponent, may cause some surprise; but there is rarely any excuse for being surprised by the arguments actually presented. Nevertheless, although one should prepare himself to meet every argument which is likely to be presented against him, he should not assume that his opponents will use certain arguments and proceed to refute them in advance, unless he can prove that those arguments are essential to his opponents' case. Otherwise his opponents may make him appear ridiculous by admitting all that he has said by way of anticipatory rebuttal.

In refutation debaters usually gain in spirit and fall off in substance. There is no need for this weakness. The falling off in substance is due to defective preparation on the *other* side of the question. A skillful debater usually has enough rebuttal material for an hour's address, although he may be allowed but five minutes. From this mass of material he selects and arranges, as the case of his opponents develops, whatever will most effectively meet that case. On some questions, perceiving only two or three cases at all likely to be presented against him, he groups his rebuttal material in advance with reference to these possible cases.

Thorough preparation on both sides of the question will enable a debater to anticipate nearly all the arguments that demand refutation; but not all. The unexpected may happen; the line of attack may be unusual or even original; evidence may be presented from a source that all his research has failed to discover; the

force of his own work in conviction may be considerably overcome by a persuasive appeal from the other side, the reply to which could not be effectively prepared in advance. Formal debate allows no time for collecting new evidence. The debater must decide at once what is the bearing on the question, and what is the relation to his own case of the argument advanced against him. He must decide whether it is worth answering; if so, when and by what method. There are times in every debate when nothing but a complete understanding of the underlying principles will suffice. At such times that team will go to pieces which has allowed the coach to do most of the work and provide ready-made rebuttal.

The debater who is unable to grasp the whole question, who has not, by analysis, differentiated the main issues from the subordinate ones, who fails therefore to appreciate relative values, is usually known by his "scrappy rebuttal." He jots down a miscellaneous lot of points made by his opponents. Everything is fish that comes to his net. Some of the points on which he wastes his limited time are evident slips of the tongue, mere illustrations, admitted matters, irrelevant details, and other trivialities which most of the audience have already forgotten. He proceeds to attack these points at random. As the order of attack is in no way related to the established order of issues, or to the development of his case or to that of his opponent, the bearing of these points is lost and their relative importance is obscured. The most common adverse criticism of rebuttal in student debates is that it is scattering and trivial.

The Closing Rebuttal Speech. — There is danger in formal debate that the audience shall become confused, and unable, after the give and take refutation, to see how the contest stands at the end of the debate. It is

therefore the first function of the conclusion to make clear what has been done by both sides. To make this clear, the speaker must take up the issues, one by one, in a logical order, which is usually the order determined at the outset. His purpose is to show, by contrasting the arguments which the course of the debate has left standing on each side of each issue, that his side has the weight of proof in its favor. He thus emphasizes his own arguments at the expense of his opponents' arguments. As the weight of evidence is rarely on the same side for all of the issues, the last speaker in rebuttal may find that his side has established only part of its case. He should then endeavor to show that the issues which his side has established are most important. All this is called the work of amplifying and diminishing. This work may take the form of contrasting the results of policies, or the nature of underlying motives, or the kinds of argument, or the sources of evidence. But in any event, the last speaker has no time for minor matters. He must subordinate the insignificant odds and ends, which are more or less confused in the minds of the hearers, to the main issues. His task is to muster the whole forces of his side for an orderly, unified, final attack.¹

Organization of Rebuttal Material. — The material for answering the contentions of your opponents should be immediately available. Otherwise much of your reading and study may count for nothing. You may know that there is a decision of the Supreme Court which invalidates the legal argument just presented against your proposition; but unless you can find the exact quotation at once, you cannot use it. You may remember that

¹ *Illustration* : A final rebuttal speech, illustrating the above principles, will be found on the negative side of the debate in the Appendix.

somewhere in the reports of the Philippine Commission is a table of statistics showing that your opponent is wrong in his contention regarding the population of the islands; but if you are obliged to hunt through those reports to find the table, you may lose the rest of his speech, and even then fail to track down the evidence you need. You may feel sure that, somewhere among your notes, there are concrete data sufficient to show that an authority just cited against your position is prejudiced and otherwise incompetent; but if your notes are carelessly taken and unorganized, you may search them in vain, and have nothing to offer against the authority but uselessly general charges. All material for use as refutation should be taken down with clearness, fairness, and precision, and it should be arranged according to a definite and serviceable system.

The plan of taking down, on one side of cards of uniform size, all the evidence which may be useful for rebuttal, and then organizing that material under six or eight heads, has been tried time and again by many successful debaters.¹ The cards may be of standard library size (about 3 by 5) or a little larger. The number and the nature of the groups into which the cards are finally divided for convenient use will depend on the question for debate, and will be roughly indicated by the issues. For example, in preparation for a debate on the proposition, "Resolved, that high school secret fraternities should be prohibited," the rebuttal cards might be arranged in eight packs, labeled: "Legality," "Effect on Morals," "Effect on Scholarship," "Effect on School Spirit," "Other Methods," "School Statistics," "Authorities Commonly Cited," "Objections to Analogies from College Fraternities." The only neces-

¹ See also Section VIII of the third chapter.

sity is that the classification shall be such, in number and in headings, that any member of the team which is to employ the system can put his hand at once on the exact evidence he needs.

SPECIMEN REBUTTAL CARDS

(Prepared by a team on the affirmative of the above proposition.)

LEGALITY.	Illinois Supreme Court decision: Chicago Case.
<p><i>Although</i> prohibition of school fraternities is held illegal, in that — The Chicago courts issued "an injunction prohibiting the school authorities from enforcing the rules " against fraternities. (Authority of " Com. on Secret Frats." of N. E. A., G. B. Morrison, Chairman, Proceedings of N. E. A., 1905, p. 451.) <i>Yet</i>, the courts later dissolved the injunction.</p>	
Source: <i>Journal of Education</i> , January, 1907.	

EFFECT ON MORALS.	Exceptional Schools.
<p><i>Although</i> it is held that the societies at Erasmus Hall High School, Brooklyn, and at Phillips Exeter Academy, are morally beneficial to the members, <i>Yet</i>, these are not fair cases, for The societies are not really secret, for A faculty member is obliged to attend every meeting and control affairs.</p>	
Source: <i>Review of Reviews</i> , September, 1907, p. 340: M. Melius, on " Are Secret Societies a Danger to Our High Schools ? "	

Attitude toward Opponents. — Milton, in replying to Salmasius, said, " Let me enter therefore upon this Noble Cause with a cheerfulness grounded upon this assurance, that my Adversary's Cause is maintained by nothing but Fraud, Fallacy, Ignorance, and Barbarity ;

whereas mine has Light, Truth, Reason, Practice, and the Learning of the best Ages of the World on its side." The debater who enters upon his cause with such assurance is doomed to failure. No speaker can carry conviction who imagines all the truth to be on his side and all who differ from him to be in obstinate error. Such an attitude arouses antagonism. A speaker must bear in mind that he is addressing people who have sympathies and opinions of their own, who have a perfect right to them, and who cannot be cudgelled into renouncing them.

Webster made this clear in his *Reply to Hayne*, when he said:—

Sir, the human mind is so constituted that the merits of both sides of a controversy appear very clear and very palpable to those who respectively espouse them; and both sides usually grow clearer as the controversy advances. South Carolina sees unconstitutionality in the tariff; she sees oppression there also, and she sees danger. Pennsylvania, with a vision not less sharp, looks at the same tariff, and sees no such thing in it; she sees it all constitutional, all useful, all safe. The faith of South Carolina is strengthened by opposition, and she now not only sees, but resolves, that the tariff is palpably unconstitutional, oppressive, and dangerous; but Pennsylvania, not to be behind her neighbors, and equally willing to strengthen her own faith by a confident asseveration, resolves also, and gives, to every warm affirmative of South Carolina, a plain, down-right, Pennsylvania negative. South Carolina, to show the strength and unity of her opinion, brings her Assembly to a unanimity, within seven voices; Pennsylvania, not to be outdone in this respect any more than in others, reduces her dissentient fraction to a single vote.¹

Debate, which should be an honest effort to discover truth and to convince others of that truth, is in both

¹ Webster, *In Reply to Hayne*, United States Senate, January 26, 1830.

these aspects so difficult that an earnest student grows tolerant of the opinions and convictions of other people. During the preparation for debate and in the actual contest, he bears in mind his own liability to error. Far from resenting the fact that others disagree with him, he welcomes opposition. If he believes in his own side, opposition is opportunity. "He that wrestles with us," as Burke well said, "strengthens our nerves and sharpens our skill. Our antagonist is our helper." Adversaries in debate should have at least this common purpose, — the search after truth. A great mind is a mind open to conviction.

Ridicule and Satire. — Cheap ridicule is so easy and common, effective ridicule is so difficult and rare, that the danger of the one far outweighs the possibility of success with the other. A debater should not turn from the main line of his argument to introduce personalities, and he should be alert to discover and defeat the tricks of opponents who strive to allure him from the main issues by introducing such digressions as personal abuse. A thousand can answer an argument with abuse to one who can answer with reason. "It is the opinion of the ignorant," says Holyoake, "that if a man does not bluster and retort, he is deficient in spirit. This apprehension often betrays weak men into violence, and to prove themselves independent they become rude and insolent; whereas courage pursues its own way without ostentation, preserves its independence, corrects misrepresentation, repairs any injury it may have unwittingly done, and answers slander (if there be slander) with the truth. No wise man answers a fool according to his folly. He shows that it *is* folly, and abandons it to die by its own hands." ¹

¹ G. J. Holyoake, *Public Speaking and Debate*, p. 56. Ginn & Co., 1897.

Invective.—Invective delights both the weak-minded speaker and the weak-minded hearer, for it relieves the one of the trouble of producing proof and the other of the trouble of keeping his mind on the question. But, as Gladstone asserted, the day has gone by when railing at opponents is regarded as sufficient defense of opinion. Lincoln, in reply to the invective of Douglas in the Charleston debate, said:—

Until he gives a better or more plausible reason than he has offered against the evidence in the case, I suggest to him it will not avail him at all that he swells himself up, takes on dignity, and calls people liars. Why, sir, there is not a word in Trumbull's speech that depends on Trumbull's veracity at all. He has only arrayed the evidence, and told you what follows as a matter of reasoning. There is not a statement in the whole speech that depends on Trumbull's word. If you have ever studied geometry, you remember that by a course of reasoning Euclid proves that all the angles in a triangle are equal to two right angles. Euclid has shown you how to work it out. Now, if you undertake to disprove that proposition, and to show that it is erroneous, would you prove it to be false by calling Euclid a liar? ¹

There are men, it is true, who advocate the use of invective. Some assert that when an opponent has won the sympathy of the audience, "the speaker must counteract these effects by the use of sarcasm, wit, invective, or whatever resources he may command." Ridicule and sarcasm are especially recommended as defense against conceit and affectation. But conceit and affectation do more harm to an opponent's cause when they are ignored than when they are given the consideration of a reply. When an opponent has closed a speech in a tone of grandiloquence and bombast, no invective

¹ Lincoln's *Complete Works*, Century Company, vol. i, p. 412.

can accomplish so much in reply as a plain argument which proceeds directly to the heart of the question. Those who advocate the use of ridicule, satire, and invective may point to the classic examples of Webster and Douglas. But the dangers and difficulties are so great that unless a student is sure that he belongs in the same class of speakers, he had best make it a rule never to use such two-edged weapons. They may be all that is left to a man who knows himself defeated; they may entice an unstable adversary away from the legitimate line of argument; they may even amuse the friends of a man who is winning, or relieve the feelings of the friends of a man who is losing; but such weapons will never win new friends for a speaker or for his cause. Hamilton, in his *Parliamentary Logic*, gives this advice: "If your case is too bad, call in aid the party; if the party is bad, call in aid the cause. If neither is good, wound your opponent." This kind of argument is unfortunately parliamentary, but it is not logic.

Epithets. The great difficulty of being just in applying epithets at once commends temperance in their use. Moreover, not even the justice of an epithet warrants it. The question is whether it will do more good than harm. And the answer is, — almost never. To accuse an opponent of intentional "quibbling," or of "garbling" a quotation, or of deliberately misrepresenting you, is to proffer a serious charge. It impeaches his moral nature; it is exceedingly difficult to prove; and it inevitably creates bad feeling without necessarily advancing your cause. Regard the errors as mental rather than moral, and thus leave yourself free to deal with your opponent's arguments rather than with himself. Then show clearly and courteously just how he has evaded the question, or misquoted an authority, or misunder-

stood your own words. Your attitude should not be one of malice, or resentment, or vanity. If two or more possible motives may be assigned for an opponent's attack, assume that motive which puts the best construction on his case. Be slow to accuse him of unfairness. If you must expose his errors, do so with proof and urbanity, rather than with assertion and taunt. The golden test for the use of an epithet is this: How would you regard it if it were applied to yourself? — a test which is prompted at once by good morals and good sense.

If a debater has the right attitude toward his subject, he is likely to have the right attitude toward his opponents. A man in awe of his subject is considerate, self-retiring, and direct in speech. His ardent desire to expound the truth lifts him above the digressions of debate. Lincoln was too great to use ridicule and invective. A small man abuses his opponent, misrepresents his case, bulldozes his audience, because his heart is not in his subject.

Honor in Debate. — A runner is disgraced for spiking his rival on the track; a prize-fighter is condemned for striking below the belt. The disgrace for foul play in debate is as much greater as this kind of contest is morally and intellectually higher. A debater should take pains to give his opponent every fair chance. The only way to convince an audience of his fairness is to be fair. It may be true that "an adroit and aggressive first speaker can so explain the origin and history of the question and so present the issues, as to compel his opponent to accept his partition of the case." But if he does so, knowing that he is ignoring vital issues, he is engaged in a deliberate attempt to deceive, which is too much like ordinary demagogue oratory to command respect. The only worthy or even safe course is

an honest attempt to discover and to set forth the real issues, which, as we have seen, exist within the question itself, independent of the will or the skill of men.

Some debaters weary and confuse their hearers by concealing the end of a line of argument, in order to produce a surprise. The surprise usually falls to the speaker. He finds that he has done one of two things: either he has offended the audience which he has tried to deceive; or he has utterly failed to convince them, because they have been unable to carry in mind evidence and inferences the bearing of which he has purposely concealed. In formal debate a team makes this mistake when it holds back its case, or one of its main arguments, in order that the opponents may be taken by surprise late in the debate, when they have no time to make adequate refutation. The result is to create prejudice against the speakers on account of their evident lack of the spirit of fair play, and to create doubt as to the strength of an argument which they dare not present or announce at the start. A recent book advises a speaker to hold his fire till the end and surprise his enemy with new arguments, to which reply is thus impossible. The book commends this "wise stratagem" to an intercollegiate debater, since he thus "deprives his opponent of any chance to reply, and so may hope to conceal his deficiency and make his own proof seem plausible." Such advice is not in keeping with that fine sense of courtesy and that desire for truth which governs the highest type of the gentleman and the scholar.¹

The whole case in its outlines should be presented

¹ Regarding the persuasive value of fairness, see also the preceding chapter.

at the first opportunity. Exceptions happen when the audience is so prejudiced against the speaker's cause that to announce the intended conclusion would be to lose a fair hearing; but such cases are not common.

Lincoln's law partner, William H. Herndon, relates many incidents showing Lincoln's belief that honesty in debate is the best policy. In one case at law Herndon introduced a sham plea so devised as to deceive the opposing counsel and attain the desired end. When Lincoln saw the subterfuge, he asked, "Is this seventh plea a good one?" Herndon replied that it was. "But," asked Lincoln, "is it founded on fact?" On receiving a negative answer, Lincoln said: "Had n't we better withdraw that plea? You know it's a sham, and a sham is very often but another name for a lie. Don't let it go on record. The cursed thing may come staring us in the face long after this suit has been forgotten."¹

Delivery. — It is true that matter is more important than form. The first necessity is something to say, without which all the graces and intonations of a polished speaker are merely ridiculous. As a debater becomes absorbed in his subject, he wishes that he could think of nothing but convincing that particular audience of the truth as he sees it. He will find writers who advise him to do so; who declare that, given substance and enthusiasm, delivery will take care of itself. Unfortunately this is not true. Many a deep thinker is unable to keep his audience awake an hour because he cannot make himself heard or is intolerably dull in the monotony of his delivery. Other men of smaller intellects and with much less to say fascinate large audiences because they use their voices correctly, enunciate

¹ See *Abraham Lincoln*, by William H. Herndon and Jesse W. Weik, vol. i, p. 326. D. Appleton & Co., 1896.

clearly, modulate their tones, make their transitions with care, emphasize important parts, look into the eyes of their hearers, use gestures which seem natural, and carry themselves well on the platform. Years of study on matter may be thrown away, as far as a particular audience is concerned, because the speaker has neglected a few months of study on form.

Five Methods of Delivery. — There are five ways of delivering a speech: (1) To write it out in full and read it; (2) to write it out in full and commit it to memory; (3) to write out and memorize the opening and closing sentences, and other especially important parts, leaving the rest for extempore delivery; (4) to use an outline or a brief which suggests the headings in logical order; (5) to extemporize the whole speech, appearing before the audience without visible manuscript or notes.

For debating, the first method is utterly ineffective. The second method is equally bad, because it also precludes that quick adaptation to opposing contentions without which a discussion can hardly be called a debate. Furthermore, unless this memory method is carried through to the end with great care, it is a lamentable failure. The least hitch, as a speaker gropes after words, betrays the method. It takes a master to conceal this art, and it is a question whether the art is worth mastering. The third method — that of memorizing important parts and adapting the rest to the occasion — is better suited to debating. The difficulty comes in making graceful transitions from memorized parts to extemporized parts; the contrast is usually too striking. For this reason the fourth method — the use of an outline or brief — is more promising. If a speaker is familiar with his notes, if they suggest to him precisely the ideas he wishes to express, and if those ideas are arranged in

logical sequence, he need make no awkward pauses or contrasts. But notes, even when they are well managed, detract somewhat from the effectiveness of delivery.

Most successful of all — other things being equal — is the speaker who extemporizes his whole address, without even a scrap of paper between himself and his hearers. This is the ideal method. "If once they see that he is partly relying on the stilts and leading strings of his memoranda, their sympathy languishes. It is like the difference between a man who walks a tight-rope boldly, trusting wholly to his balance-pole, and the man who is looking about every moment for something by which to steady himself." But a word of warning may be necessary. Let us not mistake mere volubility for effective speaking. A ready tongue, with its temptation to carelessness of preparation and redundancy of expression, is not always a blessing. Real power in extemporaneous oratory comes only with long years of exacting practice in written work.

"I like that method," replied Crassus, "which you are accustomed to practice, namely, to lay down a case like those presented in the Forum, and to speak upon it as if it were a real case. But in such efforts the usual run of students exercise only their voices (and even those without skill), and try the strength of their lungs, and the volubility of their tongues, and please themselves with a torrent of words; in which exercises they get the false idea that men by speaking succeed in becoming speakers. It is just as true that men by speaking badly make sure of becoming bad speakers. Therefore, although extemporaneous speaking has its advantages, there is greater advantage in speaking, after due deliberation, with greater preparation and accuracy. The chief practice of all is that which, in truth, we rarely practice, for it demands great labor which most of us avoid. I mean writing. Writing is said to be the best modeler and teacher of oratory, and not without

reason. . . . No man will ever attain the qualities which bring applause and admiration to great orators, except after long practice in writing, however resolutely he may have exercised himself in extemporaneous speaking. And he who comes to speak after practice in writing brings this advantage with him, that though he speak at the call of the moment, yet what he says will bear a resemblance to something written; and if ever, when he comes to speak, he brings anything with him in writing, the rest of his speech, when he departs from what is written, will flow on in a similar strain. As, when a boat has once been impelled forward, though the rowers suspend their efforts, the boat still keeps her motion and course, so, in a continued stream of oratory, when written matter fails, the rest of the speech maintains a similar flow, being impelled by the resemblance and force acquired from what is written." — Cicero on Oratory.

Even a speaker who has followed the extempore method with some success feels more confidence if he has adequate notes in his pocket. They have been compared to life-preservers under the berth, ready for use if the ship is sinking.

Voice. — A voice that can be easily heard, that is flexible, full, and of pure quality, is itself persuasive. Although we cannot here study the methods by which a good voice may be developed and sustained, we may note in passing that there are few people who breathe correctly and whose voices are free from serious defects and limitations. It might conduce to the comfort of the public and to the surprise of speakers if they could have their own tones returned to them through a phonograph. A sensible kind of voice culture is as essential to effective public speaking as grammar is to English composition. Modulation in pitch is quite as important as purity in quality, and both can be improved by a speaker who makes singing a part of his preparation. Singing will

also help to cultivate a habit of deep breathing, without which a speaker tires the upper part of his chest and contracts the throat muscles. The throat must be open to allow the unrestricted passage of the tone. It is strange that people who would not for a moment consent to sing solos in public, venture cheerfully upon tasks in speaking for which they are equally unqualified. Every speaker should follow conscientiously a series of vocal exercises prescribed by a competent instructor for his special needs.¹

Enunciation. — A common fault is slovenly enunciation. When the size and acoustic properties of a hall are such that a speaker must take special care to make himself heard, nothing helps more than distinctness of utterance. Professor Edward Howard Griggs, who makes himself heard with apparent ease in difficult situations, attributes his success first of all to painstaking enunciation. This is impossible for a man who will not open his mouth and use his lips. When he has learned to do this, he will do well to practice throwing his vowel sounds forward and paying due respect to every consonant. Many people swallow their vowels and ignore their consonants. Especially flagrant is this fault at the ends of sentences, which as a rule should deserve greatest emphasis. Earnest, sustained practice in enunciation is necessary. It may be exaggerated in practice, with no danger of exaggeration in public. The real danger is that in the heat of a public speech a man will forget his months of practice and go back to his old habits. Whatever one wishes to be on the public platform, that he should be every day of his life. Nothing

¹ The Introduction to W. B. Mitchell's *School and College Speaker* (Henry Holt & Co., 1901) contains many practical and sensible suggestions concerning the development of correct habits of breathing, pronunciation, gesture, and emphasis.

but habitually audible and clearly articulated speech in daily conversation will make distinctness in public speaking sure. This element of success — like erect carriage, graceful movements, pure tones, and pure language — must not be set aside with cap and gown to be worn on special occasions. And it is true, furthermore, that habitual distinctness in speech will not only make one a better public speaker, but also a more agreeable member of society and a better man. Slovenly enunciation has traits of immorality.

Position. — A speaker should take care lest his bearing on the platform detract attention from what he says. An otherwise effective speech may seem ridiculous because of personal eccentricities which could be suppressed by proper training. Every speaker has his own tendencies to awkwardness. What these are he should learn from any one who is willing to speak frankly about them, and he should then set himself resolutely to overcoming them by persistent exercise of the will. He must ignore the common advice to forget himself and think only of his subject and his audience, until discipline has made it safe for him to do so.

Gestures. — In debating, no gestures are necessary. If any come in response to the thought or feeling of a man as he speaks, and if these appear natural to the audience, so much the better, even though they are not labeled and depicted in books on gesture. So many fantastic tricks have been performed in the name of elocution that audiences are quick to detect and ridicule anything which does not seem to be spontaneous. If a speaker has practiced a gesture for a particular passage, the best he can do, when he comes to that passage, is to omit the gesture. If a speaker is not prompted to make gestures, it will do him no good to hunt them

up in books, make a selection, and attach them at intervals to his speech. Let him get at the cause of his lifelessness, which may be embarrassment, or lack of preparation, or want of interest in his subject. With sufficient life in the speaker, gestures will come of themselves. After that, criticism should be mainly corrective. If, for instance, a speaker takes naturally to the device of emphasizing everything with one finger, the fault should be corrected before it becomes a habit. It is often said that anything which is natural is effective. This is not true. A speaker may be naturally awkward and ridiculous. The truth is that whatever gestures appear to the audience naturally good at the time are effective; but all gestures that are naturally bad should be corrected or eliminated.

Reading Quotations. — When the argument may be strengthened by the exact words of an authority, to read a short quotation directly from the book or paper is quite as effective as to deliver the quotation from memory, provided — and this proviso is far more important than it seems to be — provided that the speaker knows how to read. He must decide before the debate whether he will read or trust to memory. If he decides to read, he must familiarize himself with the text so that he shall not stumble in reading, or lose the eyes of his audience for more than a second or two; he must note the words he wishes to emphasize; and he must mark unmistakably the part to be read, so that he shall find it without delay, and so that he shall not read a word more than is necessary for his purpose. Provided that he reads well, the very fact that the auditors see before them the exact source of the evidence may help in conviction. Especially is this true if an authority, a Supreme Court decision, for instance, is

bandied back and forth between the sides. If there is a dispute as to the statement of a given authority, the debater who reads the exact words from their original source gains credence. But first of all he must know how to read.

Practice in Delivery. — When you have the brief of your case well in mind and the evidence collected, stand before an imaginary audience and deliver your argument. Do not allow yourself to break down; go through to the end as well as you can, just as you will be obliged to do before the actual audience. If the appropriate phrase refuses to come, supply something and go on. At the close of your speech go back and study out the words or phrases which failed you in delivery. Do this two or three times a day, with watch at your side, until you can get the substance of your argument safely and cogently within the time limit. Then find somebody who is good enough to listen to you, and talk to him along the line of your argument. Encourage him to ask questions if your language is not clear, and to offer objections if your argument is not convincing. Such practice will help you to cultivate a conversational as opposed to an oratorical style of delivery; it will help you to attain a clearer phrasing and one more responsive to your thoughts; and it will suggest chances for strengthening your argument.

Marking Transitions. — A delivery which takes due account of the structure of a speech is a great help to an audience, especially in argumentative discourse. The steps from part to part of the introduction, from the introduction to the proof, from one issue of the proof to another, and finally from the proof to the peroration, should be taken by means of well-marked transitions. In addition to the rhetorical possibilities already con-

sidered, there are at least seven ways of indicating these transitions: namely, by corresponding changes in rate of delivery, in tone, in volume, in position on the platform, by emphasis, by gestures, and by pauses. Perhaps the most serviceable and least used of these devices is a noticeable pause, during which the speaker deliberately changes his position.

Emphasis.—A debater should consider what parts of his proof he must drive home at any cost and what are the means at his command. He may be sure that the parts which deserve emphasis will not be singled out by the audience from a monotonous delivery. He must do this important work for them by uttering the capital words with marked deliberation, by stopping abruptly and pausing in just the right places, by letting his gestures fall on ideas that call for special attention, and by dropping his voice or increasing its volume and the rate of utterance. These possibilities are worth studying in addition to the purely rhetorical means. But in quoting authorities or the words of opponents, a debater should take care not to misplace the accent, thus causing the author of a quotation to appear to say what he never intended to say. This is sometimes called the fallacy of accent. Although it is not strictly a fallacy, it is to be condemned along with all other attempts to deceive.

A Final Word about Debating.—The most serious objections to formal debating, as it has been carried on in recent years, are that it is too artificial in its rules and consequently too stereotyped in results; that its aim is victory rather than the pursuit of truth; that, consequently, debating is characterized by trickiness and insincerity, and is not the preparation which it ought to be for the real contests of the life beyond Commencement. One result of this formalism is said to be a noticeable

lack of sincerity and enthusiasm on the part of the speakers which adds to the feeling of unreality. Then, again, the question is often so cleverly phrased, so vague and so complicated, that the time which should be spent on vital issues is wasted in quarrels over the meaning of terms. The petty and academic discussion which results seems more like a controversy of the Middle Ages than an attempt to get at the truth of a contemporary practical problem. Still further to preclude the possibility of real debating are the memorized speeches which render impossible that effective adaptation to opposing speakers, that running rebuttal, that one feature which distinguishes the real debater from the elocutionist. And when, after an hour or two of such lifeless discussion, a team of undergraduates arrives with remarkable ease at sweeping conclusions, and "proves beyond the shadow of a doubt" a proposition which is still puzzling statesmen, the whole affair seems to some people little short of ridiculous. These appear to be the main charges brought against intercollegiate debating.

What shall we do about it? Some people would adopt the heroic method of abolishing intercollegiate debating. That is too easy. If we were to do away with all college activities which fall short of the ideal, we would have nothing left. In the first place, we should lead up to debating by a more sensible kind of instruction in speaking. The formalism, the unreality, the difficulty of producing a "head-on collision," which are complained of in present debating, are due in part to the traditional elocution which nine tenths of our institutions regard as training for debate. Yet none of the essentials of refutation, which is the life of debate, is possessed by those who regard debating as the recitation of memorized speeches, consisting for the most part of strings of quotations,

delivered in supreme disregard of the equally automatic declamations of the "opposing" speakers. Such performances should not parade under the name of debating. They are not even preparation for debating. Indeed, it is an open question whether they do not hinder more than they help; and it is altogether true that they contribute nothing to the power of adapting refutation to the needs of the moment. Any training which develops independent and sound thinking and the faculty of phrasing and presenting thought before an audience prepares a man for the work of refutation; and when to this general training he adds an accurate and wide knowledge of the subject for debate, quite regardless of what material he may expect to use for a given speech, he has acquired the essentials of effective refutation. To these essentials declamation contributes almost nothing. That kind of school and college speaking which prepares for real debating resembles effective speaking in the affairs of grown-up men rather than the parlor performances of children.

Another condition which tends to produce academic and unprofitable discussions is the prevailing practice by which one institution submits the question and leaves the choice of sides to the other. This prompts students who are looking for victory rather than a profitable debate, to phrase a question cunningly and ambiguously, so that it shall appear to be evenly balanced until the choice of side has been announced. Meantime the institution which has received this complicated question is trying to puzzle out its meaning, forbidden by the unwritten laws of good form to take what would seem to be the sensible course of asking the framers for an interpretation. The resulting contest is usually a mere quib-

ble over the meaning of the proposition, which sorely taxes the patience of the hearers. Thus the opposing forces often contrive to keep so far apart that no effective exchange of volleys is possible. One remedy for this evil is the round-robin league.¹ Each of the three institutions in such a league puts two teams into the field, one to debate on the affirmative of the question at home, the other on the same evening to debate on the negative of the question at one of the other institutions. This plan removes the chief motive for submitting unbalanced and trickily phrased propositions. Another remedy, as we have suggested above, lies in the exchange of briefs similar in content and purpose to those required in courts of law and college courses in debating. And finally — it must be admitted — the only sure remedy is the insistence on higher ideals than the “win-at-any-cost” motives which have often brought debating into ill-repute. Throughout our present treatment of the subject, from the phrasing of the proposition to the ethics of debate, we have been mindful of these objections, and we have kept constantly before us ideals which will lift debating far above the pettiness and formalism and insincerity which are rightly condemned.

As a final safeguard against all that is most objectionable in formal debating, we urge students to refuse — even for the sake of practice, even for the supposed honor of a loved institution — to speak against their convictions. This is a matter of grave importance. The lack of sincerity and earnestness on the part of the speakers is due not only to the lifeless practices of elocution, but as well to the almost universal custom of ignoring the interests and beliefs of the individual speakers.

¹ The Constitution of a Round-Robin League is given in the Appendix.

Chatterton observed that a man must be a fool who cannot write on both sides of a question. A man *is* a fool, we may add, who *will* write on both sides of a question. And a speaker who, even in a formal contest, endeavors to convince an audience of the truth of what he believes to be false engages in an undertaking of doubtful morality. Here is the dilemma. If he simulates sincerity and earnestness, he is deceiving his hearers, emulating the most contemptible speakers in public life, preparing to swell their ranks. If he does not even appear to be sincere and earnest, he lacks the primary requisites of a persuasive speaker, and becomes the lifeless kind of debater of whom we hear complaint. At once the objection arises that it is good training for a person to study both sides of a question. Certainly it is. By all means let a debater earnestly study the side of the question in which he does not believe; let him be honest and diligent in his efforts to find all that can be urged against his own beliefs, in his efforts to get the point of view of "the other fellow"; but let him never stand before an audience and attempt to convince them of the truth of statements which he believes to be false. But it is said that the prevailing methods in class-room and inter-collegiate debates offer practical difficulties in the attainment of this ideal. If so, let the methods go. Does any one urge that we should sacrifice the ends for the sake of the means? On the contrary, if the rules of the game prevent the attainment of its supreme objects, let us discard the rules. The supreme objects of argumentation and debating are to train citizens who shall be, *first*, keen and deep and sound thinkers, *second*, leaders of men, fearless, efficient, but, above all, honest.

APPENDIX

APPENDIX I

EXERCISES

EXERCISES FOR THE FIRST CHAPTER

1. APPLY the tests to the following propositions: —
 - a. Criminals should be compelled to work.
 - b. The relative condition of wage-earners in the United States is inferior to that of fifty years ago.
 - c. It was for Japan's best interests to waive the indemnity clause in the peace treaty with Russia.
 - d. The colonial policy of Great Britain is justifiable.
 - e. Hamlet was insane.
 - f. Self-made men are the strongest.
 - g. The ministry is a nobler profession than the law.
 - h. Education is a good business investment.
 - i. The protective tariff should not be revised.
 - j. The highways of this state retard the progress of civilization and should be improved by the Federal government.
 - k. War is a crime against humanity.
2. From the list of propositions in Appendix XI, select any which seem to you objectionable.
3. Phrase satisfactory questions for argument with reference to the next municipal election; college entrance requirements; the regulation of child labor; the study of Latin; the Panama Canal; Sunday newspapers; interstate commerce.
4. What debatable questions does the following quotation suggest?

“Facts are not copyrighted; but unless a writer is accepted as himself an authority, he is expected to tell where he found them. Form, that is order, grouping, is private property, copyrighted, not to be reproduced without paying royalty, not worth reproducing anyway, since the whole point of writing at all is thereby lost. Phrase is

as strictly private as its maker's purse. It may, of course, be quoted, with citation as of fact; but frequent quotation is tiresome and unprofitable. Use without quotation is theft." — Baldwin, *A College Manual of Rhetoric*.

5. Select a question for your first written argument.

EXERCISES FOR THE SECOND CHAPTER

1. For purposes of analysis, of what importance is the Origin of the Question in each of the following propositions?
 - a. The United States should permanently retain the Philippines.
 - b. The execution of Mary Stuart was justifiable.
 - c. The coal mines of the United States should be under Federal control.
 - d. Immigration into the United States should be further restricted.
 - e. The legislatures of the several states should make provisions for pensioning the teachers in the state normal schools.
2. Define the terms that need definition in the first ten propositions in Appendix XI.
3. What method of definition does Burke employ in paragraphs 9 and 10? (*Speech on Conciliation*, Riverside Literature Series, Houghton Mifflin Co., to which all future references will be made.)
4. In the speech on *A Tariff for Revenue Only* (Appendix VI), what is set down as extraneous matter? As waived matter? As admitted matter?
5. In the argument in favor of *The Elective System for Public High Schools* (Appendix VII), consider whether the historical matter is satisfactory. Is it too extensive or too brief?
6. What essential steps in analysis are set forth in the second section of the Appendix? What steps should next be taken? Complete the Introduction.
7. By what steps in analysis are the issues reached in the argument on *The Elective System for Public High Schools*? (Appendix VII.)

8. What are the issues set forth by the first speaker for the Negative in the Congo Free State Debate? (Appendix VIII.)
9. Find the main issues as set forth in the speech in Appendix VI favoring *A Tariff for Revenue Only*.
10. Consider whether the main issues in the brief on *The Annexation of Cuba* (Appendix VI) are clear, fair, comprehensive, and serviceable.
11. Read carefully one of the following arguments; observe the special method of analysis, and take note of the main issues.

Jeremiah S. Black, *In Defence of the Right of Trial by Jury*. (*Great Speeches by Great Lawyers*, p. 484.)

Edmund Burke, *Charge Against Warren Hastings*. (B. Perry, *Selections from Burke*.)

William Wirt, in the case of *Gibbons vs. Ogden*. (9 Wheaton, 160.)

Daniel Webster, in the case of *Luther vs. Borden*. (*Works*, vol. vi, p. 217. Little, Brown & Co., Boston, 1851.)

Thomas H. Huxley, *First Lecture on Evolution*.

Lord Mansfield, *Defense of Evans*.

Lord Erskine, *Defense of Gordon*.

Thomas B. Macaulay, *Copyright Speech*.

(These four speeches may be found in G. P. Baker's *Specimens of Argumentation*.)

12. To what subject is the following paragraph an introduction? What objections do you find to the issues as presented?

“A German who has seen the world and tries to make his thinking free from the chance influences of his surroundings may easily ask himself whether it would not be most desirable that all nations should become republican democracies after the American model. If he does not ask the question himself, he is sure to be asked it by an American friend who happens not to agree with the last speech of the German emperor, and who, therefore, takes for granted that an educated German, outside of the reach of the German state attorney, will frankly

confess that monarchy is a mediæval relic and that democracy alone is life. When one of my friends approached me the other day with such an inquiry, I was in a hurry, and my answers had to be short. I told him, first, that the achievements of democratic America are not the achievements of American democracy; secondly, that democracy in itself has as many bad tendencies as good ones, and is thus not better than aristocracy; thirdly, that the question whether democracy or aristocracy is better does not exist to-day; fourthly, that Germany daily becomes more democratic, while America steadily grows aristocratic; fifthly, that there is no difference between the two nations anyway. My friend insisted that my argument stood on the same level with the oath of the woman who was accused before the court of breaking a pot which she had borrowed from her neighbor, and she swore, first, that the pot was not broken when she returned it; secondly, that the pot was broken when she borrowed it; and thirdly, that she had not borrowed the pot." — Hugo Münsterberg.

13. Decide on a proposition which covers familiar ground. At the next meeting of the class, let each student write answers to the following questions with reference to that proposition: —
 - a.* What is the origin of the question?
 - b.* What terms need defining?
 - c.* How should these terms be defined?
 - d.* What facts in the history of the question have important bearing on the controversy?
 - e.* What matters are sometimes brought into the discussions which are really extraneous?
 - f.* Which side of the proposition do you believe to be true?
 - g.* What are the strongest arguments advanced against your side?
 - h.* Can you safely admit or waive any of these?
 - i.* Have you any prejudices on the subject which may warp your judgment?

- j. What do you take to be the main arguments in favor of your side?
 - k. What, then, seem to you to be the main issues?
14. Let each student prepare, outside of class, answers to the questions under 13 with reference to the subject chosen for his own written argument.

EXERCISES FOR THE THIRD CHAPTER

1. Turn to the complete debate in the Appendix and make note of the assertions, in the first speech for the Affirmative, that are not supported by evidence.
2. Consider whether the evidence warrants the charges made in the first paragraph of the first rebuttal speech for the Negative.
3. What kind of testimony is used in the first speech for the Negative? Apply the tests of evidence to each piece of testimony.
4. Apply the tests of authority to the following examples, and state in what respects each citation is especially strong or especially weak.
 - a. The fourth paragraph of the second speech for the Negative. (Congo Free State Debate, in the Appendix.)
 - b. "Finally, the Congo State, as my opponent just admitted, has destroyed the slave trade and has absolutely stamped out the liquor traffic, even at the cost of rich revenue. As missionary George Grenfell is forced to admit: 'I saw the fall of the Arab (slave-trader), and I saw the door closed against strong drink.'" (From the second speech for the Negative.)
 - c. The second paragraph of the third speech for the Negative.
 - d. The third paragraph of the third speech for the Negative.
 - e. The remaining citations in this speech.
 - f. The authorities used in the brief in favor of annexing Cuba. (Appendix IV.)

- g. The authorities cited in the brief in favor of prohibiting Secret Societies in Public High Schools. (Ninth chapter.)
5. What kind of evidence is here used? What is its worth? —
 “The absence of any question as to the authorship of the plays ascribed to Shakespeare, for several generations after his death, tends to prove that the modern Shakespeare-Baconian controversy is absurd.”
6. Let each student bring to the class such specimens of testimony from authority as he finds in current literature. Apply to these, in class, the tests of authority.
7. Let the class read Lord Erskine’s *Speech in Defence of Lord George Gordon*, 1781, for the purpose of studying the methods there employed of attacking the sources of an opponent’s evidence. (See G. P. Baker’s *Specimens of Argumentation*, pp. 11–131.)

EXERCISES FOR THE FOURTH CHAPTER

1. Expand the following enthymemes into complete valid syllogisms: —
- a. As excess causes disease, every man should be temperate.
 - b. As all books are human productions, all books are liable to error.
 - c. The United States government should subsidize the Merchant Marine, because it will be useful in time of war.
 - d. As our laws exclude illiterate immigrants, this man will not be admitted.
 - e. The United States government has no right to intervene in the Congo Free State, because the United States was not a signatory power at the Brussels Conference.
 - f. As no idle man can become a great novelist, we know that Scott and Dickens were not idle men.
 - g. Lavish social entertainments are to be commended, for they increase the demand for laborers.
 - h. As the end of punishment is either the protection of

society or the reformation of the criminal, capital punishment should be abolished.

- i. The United States should annex Cuba because Cuba is not capable of self-government.
 - j. Blessed are the merciful, for they shall obtain mercy.
2. Given the major premise —
If this game is lost, Harvard loses the championship.

What follows as a result of each of the minor premises: —

- a. The game is lost.
 - b. The game is tied.
 - c. Harvard wins the championship.
3. If possible, draw valid conclusions from the following sets of premises: —
- a. All followers of Plato are idealists.
This man is an idealist.
 - b. Small school committees are more efficient than large ones.
New York City has a large school committee.
 - c. All members of the committee were guilty of conspiracy.
The prisoner was a member of the committee.
 - d. If the Interstate Commerce Commission acts fairly, the railroads will be satisfied.
The Commission does not act fairly.
 - e. Many of the large insurance companies have evaded the laws.
This company is among the largest in the world.
 - f. This law will either be nullified or enforced; if nullified, it will be worse than useless; if enforced, it will cause injustice.

4. Is this reasoning sound?

“Every rule has exceptions; this is a rule, and therefore has exceptions; therefore there are some rules that have no exceptions.” (From Hyslop’s *Logic and Argument*.)

(If the instructor cares to do so at this point, he can present to the class numerous exercises from such books on Logic as Jevons’s, Hyslop’s, and Hibben’s.)

5. Find examples of inductive reasoning in the Essays of Emerson or of Ruskin.

EXERCISES FOR THE FIFTH CHAPTER

1. What kind of argument is used in each of the following quotations? Apply the tests of validity in each case.
 - a. "If a servant girl applies for employment in a family, we demand, first of all, a recommendation from her former mistress. If a clerk is searching for work, he carries with him, as the *sine qua non* of success, certain letters which vouch for his honesty and ability. If a skilled workman becomes discontented and throws up his job, he has a right to ask of his employers an indorsement, and armed with that, he feels secure. Why should not every immigrant be required to bring a similar indorsement with him?"
 - b. Socrates, in order to show the absurdity of electing magistrates from the Athenian Senate by lot, used the following argument: "Would it be wise for sailors about to set out upon a long and dangerous cruise to cast lots among themselves to see who should be pilot, when the lot might as surely fall upon a wretch who knew nothing of the shoals and rocks in their course, or the art of navigation, as upon the most careful seaman?"
 - c. "On the contrary, fair play demands that the United States refrain from intervention at this time, just as fair play prompted the policy of Great Britain on this very question of Congo intervention. In the House of Commons, February 21, 1906, that policy was thus stated by Mr. Runciman, speaking in behalf of the Secretary of State for Foreign Affairs: 'Before taking any fresh step, His Majesty's government must await the results of the second commission at Brussels.' Why should the United States do otherwise?" (Second speech for the Negative, Appendix VIII).
 - d. "Cæsar had his Brutus, Charles I his Cromwell, and George III — may profit by their example." — Patrick Henry.

- e. "Is it so bad, then, to be misunderstood? Pythagoras was misunderstood, and Socrates, and Jesus, and Luther, and Copernicus, and Galileo, and Newton, and every pure and wise spirit that ever took flesh. To be great is to be misunderstood." — Emerson, *Self-Reliance*.
- f. "I am a Jew. Hath not a Jew eyes? hath not a Jew hands, organs, dimensions, senses, affections, passions? fed with the same food, hurt with the same weapons, subject to the same diseases, healed by the same means, warmed and cooled by the same winter and summer as a Christian is? If you prick us, do we not bleed? If you tickle us, do we not laugh? If you poison us, do we not die? And if you wrong us, shall we not revenge? If we are like you in the rest, we will resemble you in that." — Shylock, in *The Merchant of Venice*.
2. "In the Yale-Princeton intercollegiate debate of 1895, Yale contended that the *referendum* had failed in Switzerland, and therefore, in all probability, would fail in the United States. On the other hand, Princeton maintained that the referendum had succeeded in Switzerland, and therefore, in all probability, would succeed in the United States. Supposing the premise true in each case, which position is the stronger?" (From Hibben's *Logic*.)
3. What conclusions may be safely drawn from the facts in this quotation? "The warden of the Massachusetts state prison stated that, of 220 men sentenced during that year, 147 were without a trade, or any regular means of earning a living. In Pennsylvania, during a recent year, nearly 88 per cent of the penitentiary convicts had never been apprenticed to any trade or occupation; and this was true also of 68½ per cent of the convicts sentenced to county jails and workhouses in the same state during the same year. Further, in Mr. Frederic Wines's recent report on homicide in the United States in 1890, it is shown that, of 6958 men, 5175, or more than 74 per cent of the whole, were said to have no trade." — Ferrero, *Forum*, November, 1896.

4. Mention a superstition which rests on inductive reasoning. Why do you credit or discredit the belief?
5. Mention instances, in connection with each of the courses of study you are now taking, in which you have recently used inductive reasoning.
6. Present what you regard as a sufficient number of instances to prove or disprove one of the following generalizations:—
 - a. Force is the wisest policy in colonial administration.
 - b. Large school committees are less efficient than small ones.
 - c. It is the custom nowadays for wealthy men to endow educational institutions.
 - d. There is usually a large city near the mouth of a large river.
 - e. Students cannot long retain their health without systematic physical exercise.
 - f. All evil is due to selfishness.
 - g. Business depression precedes presidential elections.
7. Provide an analogy which might be used toward the proof of one of the propositions in Appendix XI. Apply the tests of the Argument from Analogy.
8. What kind of argument is here used? What is its worth?

“Did Dickens deliberately aim to improve educational systems and reveal the principles of educational philosophy? The answer is easily found.

“He was the first great English Student of Froebel. He deals with nineteen different schools in his books. He gives more attention to the training of childhood than any other novelist or any other educator except Froebel. He was one of the first Englishmen to demand national control of education, even in private schools, and the thorough training of all teachers. He exposed fourteen types of coercion, and did more than any one else to lead Christian men and women to treat children humanely. Every book he wrote, except two, is rich in educational thought. He took the most advanced position on every phase of modern educational thought, except manual training. When he is thoroughly understood he will be

recognized as the Froebel of England." — J. L. Hughes, *Century Magazine*, vol. lvii, p. 501.

EXERCISES FOR THE SIXTH CHAPTER

1. What kind of argument is illustrated in the following quotation? In what respects is the method commendable? Precisely what tests of validity should be applied to show the weakness of the argument?

"An eminent judge was in the habit of jocosely propounding after dinner, a theory that the cause of the prevalence of Jacobinism was the practice of bearing three names. He quoted, on one side, Charles James Fox, Richard Brinsley Sheridan, John Horne Tooke, John Philpot Curran, Samuel Taylor Coleridge, Theobald Wolfe Tone. On the other there were William Pitt, John Scott, William Windham, Samuel Horsely, Henry Dundas, Edmund Burke. Moreover, the practice of giving children three names has been a growing practice, and Jacobinism has also been growing. The practice of giving children three names is more common in America than in England. In England, we still have a King and a House of Lords; but the Americans are Republicans. Burke and Theobald Wolfe Tone are both Irishmen; therefore, the being an Irishman is not the cause of Jacobinism. Horsely and Horne Tooke are both clergymen; therefore the being a clergyman is not the cause of Jacobinism. Fox and Windham were both educated at Oxford; therefore the being educated at Oxford is not the cause of Jacobinism. Pitt and Horne Tooke were both educated at Cambridge; therefore the being educated at Cambridge is not the cause of Jacobinism. The cause is, therefore, the having of three names." — Macaulay.

2. Find, in Burke's *Speech on Conciliation* (or in Hurd's *Speech*) specimens of the kinds of argument: Generalization, Analogy, Causal Relation. Do you find any "argument from sign" which does not depend for its force on both Generalization and Causal Relation?

3. Apply the tests of validity to the following arguments: —

- a. In order to save as many as possible of the passengers of a sinking ship, orders were given to throw overboard a part of them. A man named Holmes obeyed the order. He was tried for murder. His counsel, David Paul Brown, endeavored to show that the defendant acted with good motives. He said: —

“I am strengthened in this position by the indisputable fact that Holmes, the prisoner, during the whole voyage, was upon the kindest and most harmonious terms with all the passengers; that he preserved the same friendly relation to them after the loss of the ship; that he had periled his life more than once to preserve them; that he had literally stripped himself of his apparel for their comfort; in short, his desire to save them seemed to absorb all consideration of mere personal or individual safety. In these circumstances, to suppose anything cruel or wanton upon his part is to run counter to everything that is possible or natural. I infer, therefore, that he supposed the peril to be imminent and instantaneous, or he never would have complied with the orders of the mate. . . . I maintain, therefore, that the most favorable construction is to be placed upon his motives; and it is justly to be inferred that he acted upon the impression that the danger was imminent, and that death was inevitable to all, except by resorting to those means which he actually adopted. . . . But even taking all the statements of the witnesses for the prosecution, highly colored — I will not say discolored — as they are, and torture them as you may, it is impossible for you to arrive at any other conclusion than that Holmes was actuated by the kindest and most generous influences; and certainly I need not say that kindness and generosity are opposed to wantonness and barbarity.” — Quoted in Laycock and Scales, *Argumentation and Debate*.

- b. On account of the lack of experienced players, it is

evident that we cannot have a strong football team next fall.

- c. Following the attack of President Roosevelt on large corporations in 1907 came a period of financial depression. Many banks failed and thousands of men were turned out of employment. The President is to be condemned for causing such a panic.
 - d. "Fifteen years ago a pair of nickel-plated steel skates cost \$15. To-day the same article can be obtained for \$5. The decline shows how protection cheapens prices."
- 4. Classify the kinds of reasoning used by Poe in *The Gold Bug*, and apply the tests suggested in chapters v and vi.
 - 5. The instructor may read to the class the first part of a short story and let them decide, from *a priori* reasoning, how the story may end and how it may not end.

EXERCISES FOR THE SEVENTH CHAPTER

- 1. What fallacies, if any, are involved in the following quotations?
 - a. "The House of Representatives this year is a faithful reflection of the multifarious American people, since only one tenth of the new men are college graduates — a proportion not far from that of a typical American city." (Daily paper, 1907.)
 - b. "There must be sufficient reason for belief in luck, omens, and dreams, for the universality of such belief shows that it must have some foundation." (From a book of ready-made briefs.)
 - c. "The Senior class is the brightest class in college; Jarvis Marden is the brightest boy in the Senior class; therefore he is the brightest boy in college."
 - d. "Suffolk is a Republican county; Robert Wild is a citizen of the county; therefore he is a Republican."
 - e. "The left-handed man lacks will power, for, if not, he would n't be left-handed."
 - f. "One hundred thousand children die annually for want of proper food. This statement must be true

- because it has been published and never refuted.” (Class debate.)
- g. There can be no doubt that the eye-bright is valuable as an eye-salve, because a black spot in the corolla of the flower resembles the pupil of an eye.
- h. “Tables issued by the life insurance companies, showing the chances of life in your occupation, prove that the average age at death is fifty-two years. From this fact you can easily figure out your own chances.” (Letter of insurance agent.)
- i. “*Nicholas Nickleby* is a better story than *Oliver Twist*, for they were written at the same time, and Dickens was more interested in the former, as is shown by its greater strength.” (Quoted in Perry’s *Argumentation*.)
- j. “Each student ought to be allowed to take the form of exercise he likes best, instead of being obliged to waste his time on the dumb-bell drills.” (Student theme.)
- k. “Whenever I have a nose-bleed I press my upper lip, and in a few minutes the bleeding stops. This is a very effective remedy.”
- l. “This is the portrait of a ‘man who overcame.’ He was a clerk in a grocery store at six dollars per week. One day he saw an advertisement of the — Correspondence School. He enrolled in our course in Civil Engineering, and at once secured a position at forty dollars per week. What he has done, you can do.” (Newspaper advertisement.)
- m. As simplicity is always more effective than affectation, the best advice to the public speaker is this: Be natural.
- n. “There is no need of doing the outside reading in this course. Two of the boys in my fraternity passed the course without doing the reading, and John told me yesterday that both he and his room-mate found that the reading was unnecessary.”
- o. “As Amherst defeated Brown in baseball, 8 to 4, and Brown defeated Columbia 6 to 3, there can be no

doubt that Amherst will win the approaching game with Columbia."

- p. This man will make an admirable teacher, for he is a profound scholar.
- q. As the size of towns of New England varies directly with the size of the rivers on which they are built, it is clear that the size of the river is due to the size of the town.
- r. No persons lacking in imagination are good public speakers,
Some persons lacking in imagination are good logicians,
∴ Some good public speakers are not good logicians.
- s. All vices are reprehensible.
Emulation is not a vice.
∴ Emulation is not reprehensible.
- t. Some statesmen are wise,
Some Republicans are statesmen,
∴ Some Republicans are wise.
- u. An unapportioned direct tax is forbidden by the Constitution,
The income tax is an unapportioned direct tax,
∴ The income tax is forbidden by the Constitution.
- 2. Bring to class specimens of faulty reasoning which you have met recently in conversation or in reading.

EXERCISES FOR THE EIGHTH CHAPTER

1. Read the speech made by Webster in the Senate of the United States, March, 1840, in answer to a speech by Calhoun. (*The Works of Daniel Webster*, vol. iv, p. 528. Little, Brown & Co., 1857. *General Effects of Protection*.) State the arguments to which Webster replies. Note how he introduces each of the five parts of his refutation.
2. What methods of refutation are employed in the following quotation?

"You charge that we stir up insurrections among your slaves. We deny it; and what is your proof? Harper's Ferry! John Brown!! John Brown was no

Republican; and you have failed to implicate a single Republican in his Harper's Ferry enterprise. If any member of our party is guilty in that matter, you know it or you do not know it. If you do know it, you are inexcusable for not designating the man and proving the fact. If you do not know it, you are inexcusable for asserting it, and especially for persisting in the assertion after you have tried and failed to make the proof. You need not be told that persisting in a charge which one does not know to be true is simply malicious slander."

— Lincoln, Cooper Union Speech.

3. Select from paragraphs 128-136 of Burke's Speech the sentences by which he makes clear the purpose and bearing of his refutation.
4. What method of refutation is employed by Burke, in paragraph 134, against Lord North's plan for taxing the colonies?
5. In connection with the argument in chapter x, consider these questions:—
 - (a) Are there any possible arguments for the affirmative to which no reply is here presented?
 - (b) Is any of the refutation scattering? inadequate? fallacious? based on unwarranted assumption of fact?
 - (c) Does the refutation occupy the initial position, or the final position, or is it presented wherever objections arise? Could the position be improved?
 - (d) Does the writer make clear, in every instance, exactly what arguments he is attempting to refute?
6. Read the Rebuttal Speeches in the debate on the Congo question. Point out the strength and the weakness of each argument.
7. What parts of Hurd's speech are refutation? What counter refutation might be offered to any of his contentions?

EXERCISES FOR THE NINTH CHAPTER

1. Study the brief on the Annexation of Cuba to determine whether the rules of brief-drawing have been observed throughout.

2. Let each member of the class draw a brief of the argument on the Elective System in Public High Schools.
3. Let each member of the class be assigned an argument for an exercise in brief-drawing. (See the eleventh exercise for the second chapter.)
4. After having decided on the questions for the first briefs in such a way that the class will be divided into pairs, each pair having a different question, and each student having the opposite side of the question from that supported by his co-worker, let each pair exchange briefs and apply the rules of brief-drawing to each other's briefs.

EXERCISES FOR THE TENTH AND ELEVENTH CHAPTERS

1. Write out Lincoln's Gettysburg Speech, and underline every word that helps to indicate the logical sequence of thought.
2. Find in Burke's Speech ten transitional sentences and ten summarizing sentences other than those mentioned above.
3. Write out paragraph 14 of Burke's Speech, underlining the connectives.
4. Make note of effective uses of the concrete in the Lincoln-Douglas Debates (or in any other speeches assigned for reading).
5. Let the class consider various ways by which the formalism and rigidity might be removed from one of their own arguments, or from the speech in Appendix III.

EXERCISES FOR THE TWELFTH CHAPTER

1. Enumerate the sources of persuasion in Corwin's Speech on the Mexican War, delivered in the United States Senate, February 11, 1847.
2. Write a letter to a boy in a preparatory school asking him to enter your college. The letter should be so clearly adapted to this boy that the other members of the class, on hearing it read, will be able to tell about the boy's position, habits, temperament, interests, and desires.

3. Attend a lecture (to be prescribed for the whole class) and take note of the sources of persuasion (a) in the man, (b) in the subject, and (c) in the occasion.
4. By what methods does Burke endeavor, in his Introduction, to arouse interest, overcome prejudice, and gain favorable consideration for his plan?
5. What are the persuasive qualities in Burke's Speech, from paragraph 142 to the end? To what motives does he appeal?
6. What objections do you find to the following quotations from argumentative speeches?
 - a. "Labor's demands can no longer be dismissed with contempt. A man may not agree with us, but he must now show why he does not, and the logic is always on our side because we are right." — Samuel Gompers.
 - b. "Mr. Speaker, I rise under some embarrassment occasioned by a feeling of delicacy toward one half of the house, and of sovereign contempt for the other half." — Edmund Burke.
 - c. "My opponent has tried to make you think that I favored the control of intra-state railways by the Federal government. But he cannot deceive so intelligent an audience by willful misinterpretation. Any fair-minded man must see that I have absolutely proved my proposition." — Student in Debate.
7. Discuss the persuasive adaptation of the subject to the special time and audience in one of the following speeches:

Phillips Brooks, *Fourth of July Address*.
Booker T. Washington, *Address at the Atlantic Exposition*.
John Brown, *Farewell Speech*.
Wendell Phillips, *Toussaint L'Ouverture*.
(These speeches are all included in G. P. Baker's *The Forms of Public Address*.)
8. Let each member of the class write an argumentative speech adapted persuasively to a special audience. If possible, arrange for the actual delivery of the speech before the audience for which it is prepared. For this purpose, the

student may rewrite one of his earlier arguments which may have been developed without reference to a special audience. (For further suggestions, turn to the article on "College Courses in Public Speaking," in the *Nation*, April 11, 1907.)

EXERCISES FOR THE THIRTEENTH CHAPTER

I. Questions concerning the Debate in Appendix VIII.

1. Does the Introduction, as given by the first speaker, embody the essentials set forth in the second chapter? Does the Introduction, as given by the first speaker on the Negative, embody these essentials?
2. Are the issues sufficiently comprehensive? Are they mutually exclusive? Are they set forth in the best order?
3. Is the entire case of the Affirmative consistent with the introductory interpretation of the question?
4. Are there any unsupported assertions?
5. Are the citations from authority open to any of the objections enumerated in the third chapter?
6. Are there any fallacies of Hasty Generalization? False Analogy? Causal Relation? Begging the Question? Arguing beside the Point?
7. In what instances do the speakers exaggerate the importance of their evidence?
8. Are there any opposing arguments ignored by the Affirmative? by the Negative?
9. On what points is the refutation wholly inadequate?
10. In what parts of the refutation is the bearing obscure? In what parts is the position questionable?
11. Are there any insignificant points upon which time is wasted?
12. Are any dangerous admissions made by either side?
13. Could either case as a whole, or any single speech, gain in effectiveness by a rearrangement of parts?

14. Is there evident lack of team-work on either side?
 15. What opportunities are neglected by each speaker for adapting his work to that of the preceding speaker?
 16. What is the chief weakness of the Introduction of the second speech on the Affirmative?
 17. Does the last speaker on each side give an adequate summary of the whole case?
 18. Are there any chances for persuasion which the speakers fail to employ?
- II. Let the class bear these questions in mind as they listen to a formal class debate, and let each student hand in a written criticism at the next meeting of the class.
- III. Decide upon questions for informal discussion relating to matters not unfamiliar to the class. Announce the subjects several weeks in advance. Let the discussion be as spontaneous as possible and unrestricted by the conventions of formal debate. Students should be warned that *informal* does not mean *unprepared*. The speeches may be unprepared as to phrasing, but sufficient evidence should be collected and sufficient thinking done before the class meets for discussion. Have it understood that any one may interrupt a speaker to question him if he is obscure in language, or to correct him if he is inaccurate in statements of fact, or to ask for further information. Let one of the class preside and observe strictly the rules of parliamentary procedure. Such exercises are better training for debate than the ordinary reciting of memorized declamations.

APPENDIX II

SPECIMEN OF ANALYSIS

STEPS LEADING TO THE STATEMENT OF THE ISSUES

(Editorial from the *Nation*, December 12, 1907.)

“SHOULD the Federal government license automobile drivers?”

The proposal to have the Federal government license automobile drivers comes before Congress for the first time in the form of a bill drafted by the counsel of the National Association of Automobile Manufacturers and the Chairman of the Legislative Committee of the American Automobile Association. It is not proposed to create a separate class of federally licensed cars, but merely to allow those in the state already taking out permits of ownership, to obtain certificates entitling them to make interstate journeys. The Federal government is appealed to, therefore, not to save the automobilist from over-drastic state laws, but to spare him the vexation of having to take out new licenses in every state he visits. The state legislation, as the author of the proposed law acknowledges in a recent compilation of the various automobile statutes, “on the whole has been fair and reasonable, and seldom do we find evidence of hostility carried to excess in any of the legislative enactments.” But the states are not hospitable to the automobiles of their neighbors. No interstate boundary line, we presume, is crossed by so many automobiles as that between New York and New Jersey, yet New Jersey is inflexible in refusing to give credit to her next-door neighbor’s licenses. The state laws differ widely in their requirements. Some states require all cars to be equipped with mufflers, some do not. Some allow cities, counties, and villages to

Immediate Cause for Discussion.

Definition by Negation.

Admitted Matter.

Origin of the Question.

make regulations of their own, some prohibit local legislation. A New York owner may keep the registration numbers of other states fastened to the rear of his machine; a Massachusetts owner at home must remove all but that of his own Commonwealth. A motor bicycle is an automobile in Indiana, though a traction engine is not; both are automobiles in New Jersey, neither in New York. And so it goes.

APPENDIX III

SPECIMEN OF ANALYSIS

OPENING SPEECH IN AN INTERCOLLEGIATE DEBATE

“STATE Boards of Arbitration with compulsory powers should be established throughout the United States to settle industrial disputes between employers and employees.”

Industrial prosperity is in our day an essential factor of national progress, and industrial prosperity demands industrial peace. Never in the history of our nation have the interests of labor and capital appeared so contradictory; never have the interests of the general public been more dependent on the harmonious coöperation of employers and workers. Yet never have industrial disputes been so extensive, so intensely harmful, so prophetic of disaster to come. The past decade has been rife with labor troubles. Last winter one strike alone, the great coal strike, inflicted on all classes and on all sections of the country almost incalculable suffering and loss. During the month just passed, lockout after lockout, strike after strike, has repeatedly blocked industrial progress in nearly all parts of the United States. This evening's paper reports new labor troubles. In fact, there is scarcely a person here to-night who has not felt personal injury from recent protracted labor troubles.

Accordingly, we come to you to-night, as the Affirmative of this debate, and propose as a practical means for the mitigation of industrial warfare, that state boards of arbitration with compulsory powers be established for the settlement of industrial disputes between employers and employees.

As the Affirmative it is our right and our duty, in accord with good sense and good authority, to define the terms of our proposition, and to give the question the interpretation it

shall have for this debate. The first definition is simple. State Boards of Arbitration, as shown by those already in existence, are tribunals, generally representative of employers and employees, established under the laws of the state by its legislature, to which industrial disputes may be referred for settlement.

But the question reads, "State Boards of Arbitration with compulsory powers." Now, in regard to the indefinite phrase "with compulsory powers," which next needs interpretation, one point at least is certain, — that phrase, deliberately placed next to the subject of the proposition, can modify only the subject. The complete subject is "State Boards of Arbitration with compulsory powers." But the phrase itself is vague and elastic. All such terms it falls to the Affirmative to interpret. Accordingly it is for us to state at once, in all fairness to our opponents, with what compulsory powers we would invest the boards we propose to establish. But we do not wish to take unfair advantage of our privilege of interpretation. We have therefore been guided by a careful examination of official reports, the laws of states, and the writings of such eminent authorities on labor questions as the Honorable Carroll D. Wright, United States Commissioner of Labor. We make our interpretation in perfect harmony with all the instances we have thus been able to find, where the phrase "with power to compel" has been used in connection with State Boards of Arbitration. Many of these instances will be cited later.

We mean by "compulsory powers," that it shall be the duty of the board to investigate the facts concerning all labor troubles of importance, that it shall have power to intervene upon its own initiative within the limits laid down by law, that it shall have the power to compel the attendance of witnesses, the power to compel the submission of books, documents, and other relevant testimony, and that it shall have the power to call upon mayors and other local officers to furnish, as soon as possible, information concerning labor troubles.

Let the whole question, then, be clearly understood once and for all. We advocate the establishment of impartial tribunals by all the states for the purpose of bringing to a close

such disagreements between labor and capital as seem beyond the likelihood of peaceful, speedy settlement by the parties directly concerned. We would invest these boards with the full powers essential for rendering intelligent judgments; and we would require them to make public the results of their investigations whenever public welfare demands it. Should such boards be established in all the United States? This is the question for debate.

But before we can come safely to the main issues which this question involves, we beg leave to warn the Negative against a possible misinterpretation. We do not maintain that the proposed boards *will* cure all industrial troubles; bring all these diverse dissenting forces at once into harmony. Look on your programmes. The question there is not the absurd one that State Boards of Arbitration *will* settle *all* industrial disputes, nor can the proposition for this debate be so tortured as to force us to take that manifestly untenable position.

But there are still two points of admitted matter which might unprofitably occupy the time of the Negative. First, we agree with the highest authorities on all labor questions, and, we presume, with our opponents, that conciliation — namely, the friendly conference of the parties concerned — is the ideal method of settling industrial troubles, and should first be tried in every case. Indeed, the question presupposes every attempt at conciliation, for the word *dispute* indicates the existence of a conflict apparently beyond the likelihood of settlement by conciliatory methods. Second, the Negative must not assume that our proposition is a blow at trades-unions or other organizations of labor. On the contrary, we favor them; for they often give rise to the feeling of collective responsibility, which aids the boards in effecting peaceful settlement. Nor do we deny the right of labor to strike; we are merely endeavoring, as will be seen, to gain the good and eliminate some of the evil of the action of organized labor.

We have asked your patience through this long interpretation and narrowing of the question, in order that you and our opponents might have no doubt as to the clash of opinion in this debate. Three questions still remain on which the

opponents and the advocates of State Boards of Arbitration may well take issue.

First, is any action demanded?

Second, should it be by the state?

Third, is the plan of state action proposed by the Affirmative the best one?

Meeting this threefold issue, the Affirmative propose to prove:—

First, that there are not to-day, throughout the United States, methods permanent or at all effective for the settlement of industrial disputes.

Second, that the public, through its representative the state, should establish some means for the purpose of settling such disputes.

Third, that the most effective and desirable method of state action is the establishment of such boards as we have now carefully defined.

For my own part, I shall show the truth of the first and second of these propositions, leaving the third to the other affirmative speakers.

But the first point needs little argument. That there are not to-day throughout the United States permanent and adequate means for the settlement of labor troubles must be clear to the most casual observer. The old methods of settlement have been outgrown. They are wholly inadequate. The daily papers furnish ample proof of this. A few generations ago the industrial plant consisted of a few laborers, who worked side by side with their employer, under conditions especially favorable to sympathy and mutual understanding. How is it to-day? Why, so entirely different from this quasi-patriarchal period that the nineteenth century is said to have accomplished an "industrial revolution." And what are its most salient features? Large-scale production; close competition over large fields; the gradual disappearance of the small employer, the workshop, and hand industry; the rise of the great factory; mechanical inventions; division of labor; consolidation of capital in joint-stock companies, and the aggregation of laborers. Labor and capital have alike become impersonal. Where is now your democracy of labor; where

are your friendly relations of fellowship; where are your possibilities for amicable adjustment of increasing difficulties, when thousands of workmen in one concern do not even know the names of their employers? Clearly, in many cases, the old methods of settlement have become impossible.

Have new ones taken their place? The state legislatures, with a few notable exceptions, have done little. Six states have indeed actually established effective boards. The consideration of these six states I shall leave to the second speaker on the Affirmative. The legislatures of sixteen states have done something; but of the forty-five states in the Union, thirty-nine lack any permanent state boards, with the powers necessary for effective action. These thirty-nine states have a territory of 3,324,000 square miles and a population of 52,606,541. Within these states there are over twenty million persons engaged in gainful occupations; of these, one third are engaged in manufacturing, and produce annually goods to the value of seven billion dollars. How great are the possibilities of industrial disputes here! Yet throughout this vast territory and for this great population there are no permanent, rational means of settlement. Certainly there is demand for some action.

But, in the second place, is it within the province of the state to take action toward the settlement of industrial disputes? We believe that it is most certainly a matter of public concern. The avowed purposes of government everywhere define the right and the duty of the state to insure domestic tranquillity, to establish justice, to provide for the common defense, and to promote the general welfare. The measures necessary to fulfill these purposes vary from time to time, and as new conditions arise for adjustment, it devolves upon the state to devise the necessary means. Civil courts have been established to settle controversies arising between man and man, i. e. private wrongs. Criminal courts have been established to adjust wrongs committed against the whole community, i. e. public wrongs. In the latter case the courts intervene of their own accord. The application of the same principle to industrial disputes, "the appeal to an impartial tribunal, is," Carroll D. Wright says in his *Practical Sociology*, "preëmi-

nently a civilized method of adjusting industrial difficulties." Therefore, in defending public action where the public is vitally concerned, we are merely favoring a further conservative extension of a principle everywhere accepted as sound and just.

But is the public vitally concerned? Why, your own experience convinces you that labor disputes can cut off avenues of supply essential to prosperity, yes, to the happiness and very life of the people. Barbarous agencies may take the place which law and justice should occupy. The walking delegate of a labor organization may stir up strife for personal gain or notoriety, and thus bring upon an innocent and irresponsible society calamities immeasurable. So long as the disputes of a few mean injury to the many, the public — the general public — has a right to demand legislation.

There is no time and no need to review the one thousand strikes and three hundred lockouts of the past five years, nor to speak of the two million employees turned out of work and the loss of three hundred million dollars in wages. Greater still is the interest to the public, the great third party. Does this situation concern the public and call for state action? You who have this winter paid fifteen dollars for a ton of coal can answer. You who could not get it at any price can reply. Or, if you have not suffered sufficiently yourself, read the records of this awful artificial famine. At the lowest estimate, \$100,000,000 squandered; twenty-three weeks of demoralizing brutal dispute, murder, blackmail, riot, boycott, breathing defiance at law, at order, at government, at the security of home. Is all this a private matter? By no means; it interrupts most seriously our domestic tranquillity and frustrates the principles of justice, to secure which it is the right and duty of the state to legislate.

APPENDIX IV

SPECIMEN BRIEF ¹

“GRANTING the willingness of Cuba, the annexation of Cuba to the United States would be for the best interests of the United States.”

BRIEF FOR THE AFFIRMATIVE

INTRODUCTION

I. The question arises from the following facts:—

- A. “Cuba is a natural extension of our coast-line” (President Monroe).
- B. The United States by the Treaty of Paris stands sponsor for Cuba.
- C. In the summer of 1906 Cuba broke into revolution, and in September, 1906, the United States, acting under the authority of the Platt Amendment, intervened.
- D. On account of the apparent inability of the Cubans to maintain order, the cry for “annexation” is echoed through the United States, and Speaker Cannon says annexation will come if the Cubans want it.
- E. On the other hand, such an eminent statesman as Andrew D. White believes that annexation would be a serious mistake.

II. The opponents of annexation maintain:—

- A. Annexation would not pay economically, for

III. Those who favor annexation maintain:—

- A. Annexation would pay economically, for

¹ This brief was prepared by a college debating team, and used in an intercollegiate debate at Syracuse University in 1907. The clash of opinion (in II and III) was elaborated for the sake of finding the issues, not for delivery in this complete form.

1. It would ruin the American beet sugar industry, for
 - a. The production of Cuban sugar cane would increase.
 - b. Cuban cane sugar would enter the United States duty free.
1. It would increase our trade, for
 - a. Annexation would give Cuba a stable government.
 - b. It would develop the island.
 - c. It would give the United States a \$200,000,000 export trade to Cuba.
2. Annexation would stimulate our fundamental economic industries.
3. Annexation offers the American sugar consumers a saving of \$108,000,000 yearly, for
 - a. The tariff on our imported European sugar fixes the price on all our sugar.
 - b. Cuba can easily produce all the sugar that the United States can consume.
4. Even if annexation would ruin the American beet sugar industry, the land can be more profitably used in raising corn.

B. The Cubans (1,600,000) are undesirable, for,

1. They are illiterate.
2. They have a negro problem similar to the one in the Southern States.
3. They are incapable of self-government.
4. They are unfit for statehood.
5. They cannot be assimilated successfully by the United States.

C. The United States would violate her honor in annexing Cuba, for

1. On four occasions the government has officially declared that it would not annex Cuba.

B. The inferiority of the Cuban population is not a sufficient obstacle to annexation, for

1. Annexation itself would be a social uplift to the Cubans.
2. The United States is already handling similar undesirable populations.
3. The incapacity of the Cubans for local government has yet to be proved.
4. The negro in Cuba is an economic necessity.
5. Cuba may be annexed as a territory, to be granted statehood, when fit.
6. The problem of assimilating the Cuban population is relieved by the fact that Cuba is an island eighty miles from our shore.

C. The annexation of Cuba does not involve questions of national honor, for

1. In the four cases cited, the United States made no promises, but simply expressed an intention.

- 2. Intentions are the product of circumstances, and should be changed by circumstances.
- 3. This question grants the willingness of Cuba.
- D. Annexation is not the only solution of the Cuban situation, for
 - 1. An American protectorate would give the island a stable government.
 - 2. Reciprocity would secure all the trade advantages of annexation.
- D. Annexation is the best solution of the Cuban situation, for
 - 1. No other method has so many advantages as annexation.

IV. The question is thus resolved into the following main issues: —

- A. Would the annexation of Cuba pay economically?
- B. Is the inferiority of the Cuban population sufficient to offset the advantages of annexation?
- C. Would annexation be dishonorable?
- D. Does any other solution of the Cuban situation offer equal advantages?

PROOF

- I. The annexation of Cuba would pay economically, for
 - A. Annexation would greatly increase our trade, for
 - 1. Heretofore conditions in Cuba have been averse to trade, for
 - a. The island has been without a stable government, for
 - (1) Under Spain there was tyranny on the part of the rulers and insurrection on the part of the people.

- (2) Cuba failed in the fall of 1906 in her brief attempt at self-government.
 - b. The island has been in constant revolt.
 - c. Educational opportunities have been meagre, for
 - (1) Sixty-four per cent are unable to read or write.¹
 - d. The United States imposes a tariff of one and one quarter cents per pound on Cuban sugar.
 - 2. Under annexation conditions would be favorable to trade, for
 - a. The United States would extend its own stable government to Cuba.
 - b. The island would be insured against internal warfare.
 - c. The United States would extend its own efficient school system to Cuba.
 - d. There would be free trade between Cuba and the United States, for
- (Refutation).
- (1) The argument that the Cuban tariff would not be removed, since the Philippine tariff has not been removed, is an unsound analogy, for
 - (a) The Philippines are not "annexed," but simply "acquired territory" under a military government.
 - 3. Annexation would develop the island, for
 - a. A stable government would attract capital, for
 - (1) General Leonard Wood says, "No country offers better returns for investors."²
 - (2) James Bryce says, "One is every-

¹ Cuban Census of 1900.

² Report of the Department of Commerce and Labor, May, 1905.

where struck by the potentialities of Cuba and by its actualities.”¹

b. A stable government would induce immigration.

4. Albert A. Robinson's estimate that “a highly developed Cuba would purchase some \$200,000,000 worth of goods per year from the United States,” almost five times the corresponding figure for the fiscal year 1906,² seems fair, for

a. “Cuba can support a population of 10,000,000, seven times her present population.”³

b. Ten times the present acreage in sugar is available for good sugar plantations.⁴

c. From 1901-06 the purchases of Porto Rico from the United States were quintupled.⁵

B. Annexation would greatly stimulate the fundamental economic industries of the United States, for⁶

1. Since Cuba imported, during the fiscal year 1905, structural iron and steel and machinery to the value of \$3,800,000, it seems probable that an annexed and highly developed Cuba, with nearly five times the purchasing power, would buy iron and steel to the value of about \$18,000,000 annually.

2. Since Cuba imported cotton and cotton goods the same year to the value of \$9,000,000, a highly developed Cuba would import cotton to the value of over \$40,000,000.

3. Since Cuba imported flour, corn, and meat

¹ *North American Review*, vol. 174.

² *Review of Reviews*, vol. xxvi, p. 195.

³ James Bryce, *North American Review*, vol. 174.

⁴ Report of the Department of Commerce and Labor, May, 1905.

⁵ Editorial, *Outlook*, October 13, 1906.

⁶ Figures taken from special report to Congress of Charles M. Pepper, May 10, 1906.

worth \$16,000,000, a highly developed Cuba would import flour, corn, and meat worth about \$80,000,000.

4. Although our present shipping with Cuba is almost a negligible quantity,¹ the shipping of a highly developed Cuba, which by annexation would be carried in American bottoms,² would be worth merely as freight rates about \$30,000,000.³

(Refutation.)

C. The contention that this industrial stimulus would mainly benefit the trusts is not true, for ⁴

1. The iron and steel industry includes 669 separate establishments, employing 724,000 men.
2. The cotton industry includes 973 separate establishments, employing 280,000 men.
3. The grist-mill industries include 25,000 separate establishments, employing 42,000 men.
4. The meat industry includes 921 separate establishments, employing 70,000 men.
5. The shipping industry includes 1116 firms, employing 47,000 men.
6. These figures do not include the thousands of establishments and the millions of men engaged in mining the iron, in growing the cotton and wheat, and in raising the cattle.

D. Annexation offers the American sugar consumer a saving of \$108,000,000 annually, for ⁵

1. One fifth of our sugar comes from Europe, at a duty of 1.7 cents per pound more than is necessary for all the sugar we consume, for
 - a. There cannot be on the same market at

¹ Congressional Report, February, 1904, p. 279.

² Federal Law.

³ Franklin Wood, *Moody's Magazine*, October, 1906.

⁴ Figures taken from the Twelfth Census.

⁵ Figures from the Department of Agriculture.

the same time two prices for the same commodity.

2. This burden of \$108,000,000 annually is unnecessary, for

a. \$57,000,000 of this amount never reaches the national treasury as legitimate revenue, but goes into the pockets of private individuals, for

(1) One fifth of our sugar comes from Hawaii and Porto Rico duty free; one fifth we grow at home duty free; and two fifths comes from Cuba at a tariff reduction of twenty per cent; but all four fifths sell at the price fixed by the remaining fifth of costly European sugar.

b. Cuba can easily produce all the sugar that we consume, thus displacing the European article, for

(1) At least five thousand acres might quickly be turned into sugar cane, or three and a half times the present acreage.¹

(2) Sugar production in Cuba is cheaper than in Europe.²

(Refutation.)

E. Even if annexation ruined the American beet sugar industry, the same land could be used more profitably in raising corn, for

1. Although sugar beets are slightly more profitable per acre than corn, yet sugar beets are only one fifth as profitable as they appear to be, for

a. A farmer can take care of five times as many acres of corn as of beets.³

¹ Report of the Department of Commerce and Labor, May, 1906.

² *Ibid.*

³ Henry C. Taylor, *Agricultural Economics*, pp. 73-77.

II. The United States would not violate her honor in annexing Cuba, for

A. In the Declaration of War against Spain, in the Treaty of Paris, in the subsequent Treaty with Cuba, and in the Message of President Roosevelt, the United States merely declares its non-intention of annexing Cuba.

B. Intentions are the product of circumstances, and change as circumstances change, for

1. If it were not so, we should be bound by unbearable fetters to every casual remark and viewpoint of our past lives.
2. If it were not so, progress, evolution, and the advancement of learning would be impossible.

C. This question presupposes a change of circumstances, for it grants the willingness of Cuba, a fact which refutes the charge that in annexing Cuba the United States would break her word of honor.

D. The United States has never officially declared that she would not ultimately annex Cuba.

III. The present social inferiority of the Cuban people is not sufficient to offset the advantages of annexation, for

A. Annexation itself would be a social uplift to the Cubans, for

1. The resulting stable government would be a social betterment.
2. The American school system would begin to drive out illiteracy.
3. The increased economic prosperity (see I) would mean a constant social uplifting.
4. The influx of American and European immigrants, who would consist largely of home-seekers, merchants, and business men, would be a social uplift.

B. The United States is already successfully handling equally undesirable populations, —

1. In New Mexico the population is composed

of Spaniards, Indians, negroes, and half-breed "greasers."¹

2. The population of Arizona is made up of Mexicans and Indians, sixty-one per cent of whom do not speak English.²
 3. Every year 1,100,000 immigrants (a number equivalent to two thirds of Cuba's population), Roumanians, Italians, Armenians, Russians, Poles, and Lithuanians — the scum of Europe — enter our ports and scatter throughout our land.³
- C. The problem of assimilating the Cubans is no greater, for
1. At present they are isolated on an island eighty miles distant.
 2. Eventually it should be easy for our population of 83,000,000 to assimilate the Cuban population of only 1,700,000, for
 - a. We have annually admitted over a million low-class foreigners.
- D. The incapacity of the Cubans for local self-government has yet to be proved, for
1. The recent insurrection in Cuba only indicated the failure of the Cuban government.
 2. With the United States government as the central authority, local self-government should be successful in Cuba, for
 - a. It has proved so in the similar case of Porto Rico.
- E. There is no negro problem in Cuba, for
1. The presence of negroes does not necessarily indicate a negro problem.
 2. Talcott Williams says that there is no negro problem in Cuba.⁴
 3. The cheap labor of the negro is an economic necessity on the sugar plantation.⁵

¹ Twelfth Census.

² Twelfth Census.

³ Report of Commissioner of Immigration.

⁴ *Outlook*, September 15, 1906.

⁵ Special Report of Charles M. Pepper.

F. The objection of Andrew D. White, that under annexation the Cubans would help elect our President and would send black senators to Congress, does not follow, for

1. We can annex Cuba as a territory, with the objective aim of ultimate statehood, when Cuba becomes fit.

IV. Annexation is the best solution of the Cuban situation, for

A. It would aid Cuba, for

1. It would give Cuba a stable government.
2. It would give Cuba our educational system.
3. It would insure Cuba against internal warfare.
4. It would give Cuba free trade with the United States.
5. It would induce the investment of capital in Cuba.
6. It would induce desirable immigration into Cuba.
7. It would hold out the aim of ultimate statehood to Cuba.
8. It would mean a social uplift to Cuba.

B. It would pay the United States, for

1. It would greatly increase our trade with Cuba.
2. It would stimulate our fundamental economic industries.
3. It would save the sugar consumers of the United States at least \$108,000,000 annually.

C. No other plan has such an inclusive and satisfactory group of advantages, for

1. A protectorate would do little more than give Cuba a stable government through the constant presence of force.
2. Reciprocity and trade agreements could insure, at most, only Cuba's present trade, not the quintupled trade of a highly developed Cuba.

CONCLUSION

- I. Since the annexation of Cuba would pay the United States economically;
- II. Since the present inferiority of the Cuban people is not sufficient to offset the advantages of annexation;
- III. Since annexation would not be dishonorable;
- IV. Since no other solution of the Cuban situation offers equal advantages;

Therefore, granting the willingness of Cuba, the annexation of Cuba to the United States would be for the best interests of the United States.

APPENDIX V

SPECIMEN BRIEF

THE SPEECH OF EDMUND BURKE ON *CONCILIATION* *WITH THE COLONIES*

(The figures in parentheses refer to the paragraph numbers in the *Riverside Literature Series* edition of Burke's speech. Houghton Mifflin Co., Publishers.)

INTRODUCTION

- (1) I. The return of the grand penal bill seems a good omen.
- (2) II. The subject is a grave one, and calls for a fixed policy.
- (3) III. My opinions have never changed.
- (4) IV. Parliament has fluctuated, thus keeping America in continual agitation.
- (5) V. The public demands a permanent colonial policy.
- (6) VI. I hesitate to propose one, for
 - A. I am not qualified.
 - (7) B. I doubt the value of paper government.
- (8) VII. But I believe you will listen to reason.
- (9) VIII. Therefore *I propose peace*, by restoring the former unsuspecting confidence of the colonists in the mother country, for
 - (10) A. Refined policy ever has been the parent of confusion.
 - (11) B. The House has admitted that conciliation is possible (cf. Lord North's resolution as adopted).
 - (12) C. The House has admitted that conciliation is possible previous to any submission on the part of America.
 - (12) D. The proposal ought to originate from us, for
 - (1) We are the superior power.

- (14) IX. The MAIN ISSUES raised by this question are two: —
 A. *Whether you ought to concede.*
 B. *What your concession ought to be.*
- (15) X. To answer these questions, we must consider the
 nature and the circumstances of the colonies.

PROOF

FIRST PRINCIPAL DIVISION

(England ought to concede)

- I. The nature and the circumstances of the colonies
 demand concession, for
- (15) A. THE POPULATION is so large (2,500,000), and
 so rapidly increasing, that no narrow, mean
 policy will be effective.
- (16) B. AMERICAN INDUSTRIES are of great impor-
 tance to us, for
1. *Commerce* is increasing rapidly, for
- (17) a. Mr. Glover has shown this.
- (19) to (23) b. Exports from 1704 to 1772 have
 increased twelvefold.
- (24) c. Our trade now with America is
 nearly equal to the whole trade of
 England in 1704.
- (26) d. The trade with Pennsylvania has
 increased twelvefold.
- (29) 2. Their *agriculture* now enables them to
 feed the Old World.
- (30) 3. Their *fisheries* have extended over the
 world.
- (31) II. The way to obtain this valuable object is not force,
 for
- (32) A. Force is temporary.
- (33) B. Force is uncertain.
- (34) C. Force impairs the object to be secured.
- (35) D. Force is not justified by our experience.
- (36) III. The *temper and character* of the American people
 make conciliation imperative, for

A. *A strong spirit of liberty has grown up among them from six capital sources, for*

(38) 1. The colonists are *descended* from Englishmen; who emigrated when the love of liberty was strongest, and are tender on taxation.

(39) 2. Their popular *government* fosters a spirit of liberty.

(40) 3. *Religion in the North* fosters liberty, for

a. They are Protestants, and mainly dissenters from the Church of England.

(41) 4. *Slavery in the South* has made the free-men jealous of their freedom.

(42) 5. *Education*, especially in law, causes this spirit.

(43) 6. *Remoteness* also is a cause of this temper.
(Paragraph 44 summarizes III.)

(45) IV. *The question then becomes*: What shall we do with this spirit? for

A. Every new trouble increases the intractability of the colonies.

B. They have shown their independence.

C. They have organized satisfactory governments (cf. Lord Dunmore's report).

(46) D. Massachusetts has got on well without our charter.

(47) V. There are but three ways of dealing with this spirit:
(1) To change it, as inconvenient, by removing the causes; (2) To prosecute it, as criminal; (3) To comply with it, as necessary; and of these only the last is practicable, for

(48) A. *The first plan, to change this spirit*, is impracticable, for

(49) 1. Stopping grants of land would not do it, for

a. They have much unsettled land, already granted.

- (50) *b.* They would occupy without grants,
for they have done so.
- c.* It violates our national policy.
- (52) 2. Impoverishing the colonies would not
alter the spirit, but would weaken our
own resources.
- (53) 3. "An Englishman is the unfittest person
on earth to argue another Englishman
into slavery."
- (54) 4. We could not change their *religion*,
education, or *legislatures*.
- (55) 5. We could not accomplish it by enfran-
chising their slaves, for
- (56) *a.* The offer of liberty might not be
accepted.
- b.* The colonists might arm the slaves.
- (57) *c.* An offer of freedom from slave-
trading England would be re-
garded with suspicion.
- d.* We cannot annihilate space.
(Paragraph 58 is transitional.)
- (59) B. *The second plan, to prosecute this spirit as
criminal, is impracticable, for*
1. It would be attempting to treat whole
communities as individuals.
- (61) 2. Our position as judge and defendant
should make us careful to be just.
- (62) 3. This has already failed against Massa-
chusetts.
- (63) 4. All our similar attempts have failed.

SECOND PRINCIPAL DIVISION

(What the concession ought to be)

- (65) I. *THE CONCESSION must be what they demand: —*
 "*No Taxation without Representation,*" for
- (66) A. Regardless of our right to tax, this is our best
policy.
- (67) B. "The general character and situation of a

people must determine what sort of government is fitted for them."

- (68) C. *We should "admit the people of our colonies into an interest in the constitution," for*

(Refutation.)

- (70) 1. The repeal of a revenue act is no longer sufficient.
- (71) 2. Although it is urged that they would then attack the trade laws, this objection is worthless, for
- a. These trade laws are admitted futile.
- (74) b. They are not germane to the question, for
- The avowed origin of the quarrel is taxation.
- c. It is absurd to "keep up revenue laws which are mischievous, in order to preserve trade laws that are useless."
- (76) d. Like all others, this objection is mere conjecture, in defiance of fact and experience.
3. The argument that concession on the part of England will lead to further demands is unsound, for
- a. The fewer the causes for dissatisfaction, the less the subject will be inclined to rebel.
- (78) 4. Four capital examples — Ireland, Wales, Chester, Durham — favor this method of conciliation, for
- (79) a. Not force, but an interest in the English constitution, conquered *Ireland*.
- (80-86) b. The attempt to govern *Wales* by force failed, but representation in Parliament brought peace and order.

- (84-86) c. When *Chester* was granted liberty, and her wrongs redressed, anarchy became obedience.
- (87) d. *Durham* was rebellious without free legislation, but peace was restored through our concession of the principle now at stake, "No taxation without representation."
- (88) e. The analogy between these four cases and America is sound, for
 - 1. Americans are even better fitted to receive our constitutional rights.
 - 2. Although it is objected that one legislature is perfect for them, yet it failed with the others, for
 - a. Virtual representation is not sufficient.
 - 5. Although it may be urged that direct representation is impracticable, we may find a substitute, for
 - a. We may treat the colonies according to the spirit of the constitution, by letting them vote aid, instead of by taxing them.

(Refutation.)

RESOLUTIONS

- (94) I. The colonies have had no representation in Parliament.
- (96) II. The colonies have been taxed, often to their disadvantage.
- (99-100) III. No means of representation has been devised.
- (101-102) IV. The colonies have formed assemblies competent legally to assess and collect taxes.
- (103-110) V. The colonies have often made liberal grants to the crown.

- (111) VI. Experience shows that it has been wise to allow the colonies to make grants, instead of imposing them.

CONCLUSION

- (113) I. You must abandon theory and abide by experience.
II. You must grant the colonies full rights of legislation.
III. Peace must be secured by conciliation.
IV. Corollaries: —
- (115) A. The Boston Port Bill must be repealed.
(116) B. The charter of Massachusetts Bay Colony must be restored.
(117) C. The act for bringing Americans to England for trial must be repealed.
(119) D. We must provide the colonies fair courts of law.
(120) E. We should regulate the courts of admiralty.
(Refutation.)
- (123) I. The objection that these resolutions prove too much, in that the grievance regarding taxation extends to all legislation, does not hold, for
- (124) A. The words are those of Parliament (The Chester Act).
(125) B. The colonists have not in any cool hour gone much beyond the demand for immunity from taxation.
(126) C. "The Americans will have no interest contrary to the grandeur and glory of England, when they are not oppressed by the weight of it."
- (127) II. The objection that this concession to the colonies would dissolve the unity of the empire does not hold, for
- A. There is no such thing as this unity.
1. Ireland has ever had a separate but not an independent government.
B. England cannot be head and body, too.
- (128) III. Lord North's plan of ransom by auction is unsatisfactory, for

- (129) A. It is a mere project, for
 - 1. It is not justified by experience.
 - 2. It has no root in the constitution.
- (130) B. It will be fatal to the constitution, for
 - 1. Lord North cannot settle fairly the quota to each colony.
 - 2. Parliament can neither add nor alter these quota.
- (131) C. It does not satisfy the complaint of the colonies, for
 - 1. It gives the same grievance for a remedy.
- (132) D. It will plunge England into greater difficulties, for
 - 1. Colony agents could not be given the power of taxing.
 - 2. It would be impossible to secure settlements.
- (133) 3. The obedient colonies will suffer; the refractory escape.
- (134) 4. A fixed quota would yield no effectual revenue, and changes would produce new quarrels.
- (135) E. There is no efficient means of collection.
- (136) F. The proposal of Lord North aims to destroy the union of the colonies, not to help ourselves.
- (137) G. The plan of concession has every advantage over Lord North's proposal.
- (138) IV. The objection that my plan of conciliation will give peace but no revenue, does not hold, for
 - A. The right of the colonies to grant or withhold aid is the greatest source of revenue to England, for
 - 1. This encourages generosity.
 - 2. Our experience proves it.
- (139) B. Political parties in the colonies will favor grants to obtain favor of the government.
- (141) C. Our experience with India shows that America will yield no revenue from taxation.

PERORATION

(142-144)

The love of the people is the life of the nation.
Magnanimity in politics is the truest wisdom.

(At the close of his speech, Burke moves
the first of his six resolutions.)

APPENDIX VI

MATERIAL FOR BRIEFING

THE TARIFF SHOULD BE FOR REVENUE ONLY

(Speech of Frank H. Hurd, House of Representatives, February 18, 1881.)

MR. CHAIRMAN: —

At the very threshold it is proper to define the terms I shall use, and state the exact propositions I purpose to maintain. A tariff is a tax upon imported goods. It is true that incidental protection to some industries will occur when the duty is placed upon articles which may enter into competition with those of domestic manufacture. I do not propose to discuss now how this incidental protection shall be distributed. This will be a subsequent consideration when the preliminary question has been settled as to what shall be the nature of the tariff itself. The present tariff imposes duties upon nearly four thousand articles, and was levied and is defended upon the ground that American industries should be protected. Thus protection has been made the object; revenue the incident. Whenever I use the phrase free trade or free trader, I mean either a tariff for revenue only or one who advocates it.

So far as a tariff for revenue is concerned, I do not oppose it, even though it may contain some objectionable incidental protection. The necessities of the government require large revenues, and it is not proposed to interfere with a tariff so long as it is levied to produce them; but, to a tariff levied for protection in itself and for its own sake, I do object. I therefore oppose the present tariff, and the whole doctrine by which it is attempted to be justified. I make war against all its protective features, and insist that the laws which contain them shall be amended, so that out of the importations upon which the duty is levied the greatest possible revenue for the government may be obtained.

What, then, is the theory of protection? It is based upon the idea that foreign produce imported into this country will enter into competition with domestic products and undersell them in the home market, thus crippling if not destroying domestic production. To prevent this, the price of the foreign goods in the home market is increased so as to keep them out of the country altogether, or to place the foreigner, in the cost of production, upon the same footing as the American producer. This is proposed to be done by levying a duty upon the foreign importation. If it be so high that the importer cannot pay it and sell the goods at a profit, the facilities of production between this and other countries are said to be equalized, and the American producer is said to be protected. It will be seen, therefore, that protection means the increase of price. Without it the fabric has no foundation on which to rest. If the foreign goods are still imported, the importer adds the duty paid to the selling price. If he cannot import with profit, the American producer raises his price to a point always below that at which the foreign goods could be profitably brought into the country, and controls the market. In either event, there is an increase of price of the products sought to be protected. The bald proposition therefore is that American industries can and ought to be protected by increasing the prices of the products of such industries.

There are three popular opinions, industriously cultivated and strengthened by adroit advocates, upon which the whole system rests, and to which appeals are ever confidently made. These opinions are erroneous, and lead to false conclusions, and should be first considered in every discussion of this question.

The first is, that the balance of trade is in our favor when our exportations exceed our importations. Upon this theory it is argued that it cannot be unwise to put restrictions upon importations, for they say that at one and the same time you give protection to our industries and keep the balance of trade in our favor. But the slightest investigation will show that this proposition cannot be maintained. A single illustration, often repeated, but never old in this discussion, will demonstrate it. Let a ship set sail from Portland, Maine, with a cargo of staves

registered at the port of departure as worth \$5000. They are carried to the West India Islands, where staves are in demand, and exchanged for sugar or molasses. The ship returns, and after duty paid, the owner sells his sugar and molasses at a profit of \$5000. Here more has been imported than exported. Upon this transaction the protectionist would say that the balance of trade was against us \$5000; the free trader says that the sum represents the profit to the shipper upon his traffic, and the true balance in our favor. Suppose that after it had set sail the vessel with its cargo had been lost. In such case five thousand dollars' worth of goods would have been exported, with no importation against it. The exportation has exceeded the importation that sum. Is not the balance of trade, according to the protection theory, to that amount in our favor? Then let the protectionist turn pirate and scuttle and sink all the vessels laden with our exports, and soon the balance of trade in our favor will be large enough to satisfy even most advocates of the American protective system. The true theory is that in commerce the overplus of the importation above the exportation represents the profit accruing to the country. This overplus, deducting the expenses, is real wealth added to the land. Push the two theories to their last position, and the true one will be clearly seen. Export everything, import nothing, though the balance of trade may be said to be overwhelmingly in our favor, there is poverty, scarcity, death. Import everything, export nothing, we then will have, in addition to our own, all the wealth of the world in our possession.

Secondly, it is said that a nation should be independent of foreign nations, lest in time of war it might find itself helpless or defenseless. Free trade, it is charged, makes a people dependent upon foreigners. But traffic is exchange. Foreign products do not come into a country unless domestic products go out. This dependence, therefore, is mutual. By trade with foreign nations they are as dependent upon us as we upon them, and in the event of a disturbance of peace the nation with which we would be at war would lose just as much as we would lose, and both, as to the war, would in that regard stand upon terms of equality. It must not be forgotten that the obstruction of trade between nations is one of the greatest occasions

of war. It frequently gives rise to misunderstandings which result in serious conflicts. By removing these obstacles and making trade as free as possible, nations are brought closer together, and interests of their people become intermingled, business associations are formed between them, which go far to keep down national dispute, and prevent the wars in which the dependent nation is said to be so helpless. Japan and China have for centuries practiced the protective theory of independence of foreigners, and yet, in a war with other nations, they would be the most helpless people in the world. That nation is the most independent which knows most of, and trades most with, the world, and by such knowledge and trade is able to avail itself of the products of the skill, intellect, and genius of all the nations of the earth.

A third erroneous impression sought to be made upon the public mind is that whatever increases the amount of labor in a country is a benefit to it. Protection, it is argued, will increase the amount of labor, and therefore will increase a country's prosperity. The error in this proposition lies in mistaking the true nature of labor. It regards it as the end, not as the means to an end. Men do not labor merely for the sake of labor, but that out of its products they may derive support and comfort for themselves and those dependent upon them. The result, therefore, does not depend upon the amount of labor done, but upon the value of the product. That country, therefore, is the most prosperous which enables the laborer to obtain the greatest possible value for the product of his toil, not that which imposes the greatest labor upon him. If this were not the case, men were better off before the appliances of steam as motive power were discovered, or railroads were built, or the telegraph was invented. The man who invents a labor-saving machine is a public enemy; and he would be a public benefactor who would restore the good old times when the farmer never had a leisure day, and the sun never set on the toil of the mechanic. No, Mr. Chairman, it is the desire of every laborer to get the maximum of result from the minimum of effort. That system, therefore, can be of no advantage to him which, while it gives him employment, robs him of its fruits. This, it will be seen, protection does;

while free trade, giving him unrestricted control of the product of his labor, enables him to get the fullest value for it in markets of his own selection.

The protectionist, relying upon the propositions I have thus hurriedly discussed, urges many specious reasons for his system, to a few of which only do I intend to call attention to-day.

In the first place, it is urged that protection will develop the resources of a country, which without it would remain undeveloped. Of course this, to be of advantage to a country, must be a general aggregate increase of development; for if it be an increase of some resources as a result of diminution in others, the people as a whole can be no better off after protection than before. But the general resources cannot be increased by a tariff. There can only be such an increase by an addition to the disposable capital of the country to be applied to the development of resources. But legislation cannot make this. If it could, it would be necessary only to enact laws indefinitely to increase capital indefinitely. But if any legislation could accomplish this, it would not be protective legislation. As already shown, the theory of protection is to make prices higher, in order to make business profitable. This necessarily increases the expense of production, which keeps foreign capital away, because it can be employed in the protected industries more profitably elsewhere. The domestic capital, therefore, must be relied upon for the proposed development. As legislation cannot increase that capital, if it be tempted by the higher prices to the business protected, it must be taken from some other business or investment. If there are more workers in factories, there will be fewer artisans. If there are more workers in shops, there will be fewer farmers. If there are more in the towns, there will be fewer in the country. The only effect of protection, therefore, in this point of view, is to take capital from some employment to put it into another; the aggregate disposable capital cannot be increased, nor can the aggregate development of the resources of a country be greater with a tariff than without.

But, secondly, it is said that protection increases the number of industries, thereby diversifying labor and making a

variety in the occupations of a people who otherwise might be confined to a single branch of employment. This argument proceeds upon the assumption that there would be no diversification of labor without protection. In other words, it is assumed that but for protection our people would devote themselves to agriculture. This, however, is not true. Even if a community were purely agricultural, the necessities of the situation would make diversification of industry. There must be blacksmiths, and shoemakers, and millers, and merchants, and carpenters, and other artisans. To each one of these employments, as population increases, more and more will devote themselves, and with each year new demands will spring up, which will create new industries to supply them. I was born in the midst of a splendid farming country. My intelligent boyhood was spent there from 1850 to 1860, when there was no tariff for protection. There were thriving towns for the general trading. There were woolen mills and operatives; there were flouring mills and millers; there were iron founders and their employees. There were artisans of every description. There were grocers and merchants, with every variety of goods and wares for sale; there were banks and bankers; there was all the diversification of industry that a thriving, industrious, and intelligent community required; not established by protection nor by government aid, but growing naturally out of the wants and necessities of the people. Such a diversification is always healthful, because it is natural; and will continue so long as the people are industrious and thrifty. The diversification which protection makes is forced and artificial. Suppose protection had come to my native country to further diversify industries. It would have begun by giving higher prices to some industry already established, or profits greater than the average rate to some new industry which it would have started. This would have disturbed the natural order. It would necessarily have embarrassed some interests to help the protected ones. The loss in the most favorable view would have been equal to the gain, and, besides, trade would inevitably have been annoyed by the obstruction of its natural channels. The worst feature of this kind of diversified industry is that the protected ones

never willingly give up the government aid. They scare at competition as a child at a ghost. As soon as the markets seem against them, they rush to Congress for further help. They are never content with the protection they have; they are always eager for more. In this dependence upon the government bounty, the persons protected learn to distrust themselves; and protection therefore inevitably destroys that manly, sturdy spirit of individuality and independence which should characterize the successful American business man.

Thirdly, it is said that protection gives increased employment to labor and enhances the wages of workingmen. For a long time no position was more strenuously insisted upon by the advocates of the protective system than that the wages of labor would be increased under it. At this point in the discussion I shall only undertake to show that it is impossible that protection should produce this result. What determines the amount of wages paid? Some maintain that it is the amount of the wage fund existing at the time that the labor is done. Under this theory it is claimed that, at any given time, there is a certain amount of capital to be applied to the payment of wages, as certain and fixed as though its amount had been determined in advance. Others maintain that the amount of wages is fixed by what the laborer makes, or, in other words, by the product of his work, and that, therefore, his wage is determined by the efficiency of his labor alone. Both these views are partly true. The wages of the laborer are undoubtedly determined by the efficiency of his work; but the aggregate amount paid for labor cannot exceed the amount properly chargeable to the wage fund without in a little time diminishing the profits of production and ultimately the quantity of labor employed.

But, whichever theory be true, it is clear that protection can add nothing to the amount of wages. It cannot increase the amount of capital applicable to the payment of wages, unless it can be shown that the aggregate capital of a country can be increased by legislation; nor can it add to the efficiency of labor, for that depends upon individual effort exclusively. A man who makes little in a day now may a year later make much more in the same time; his labor has become more effi-

cient. Whether this shall be done depends on the taste, temperament, application, aptitude, and skill of the individual. No one will pretend that protection can increase the aggregate of these qualities in the labor of the country. The result is that it is impossible for protection, either by adding to the wage fund or by increasing the efficiency of labor, to enhance the wages of laboring men, — a theory which I shall shortly show is incontrovertibly established by the facts.

I will now, Mr. Chairman, briefly present a few of the principal objections to a tariff for protection. As has been shown, the basis of protection is an increase in the price of the protected products. Who pays this increased price? I shall not stop now to consider the argument often urged that it is paid by the foreign producer, because it can be easily shown to the contrary by every one's experience. I shall for this argument assume it as demonstrated that the increase of price which protection makes is paid by the consumer. This suggests the first great objection to protection, that it compels the consumer to pay more for goods than they are really worth, ostensibly to help the business of the producer. Now consumers constitute the vast majority of the people. The producers of protected articles are few in comparison with them. It is true that most men are both producers and consumers. But, for the great majority, there is little or no protection for what they produce, but large protection for what they consume. The tariff is principally levied upon woolen goods, lumber, furniture, stoves and other manufactured articles of iron, and upon sugar and salt. The necessities of life are weighted with the burden. It is out of the necessities of the people, therefore, that the money is realized to support the protective system. I say, Mr. Chairman, that it is beyond the sphere of true governmental power to tax one man to help the business of another. It is, by power, taking money from one to give it to another. This is robbery, nothing more nor less. When a man earns a dollar it is his own; and no power of reasoning can justify the legislative power in taking it from him except for the uses of the government.

Yet, Mr. Chairman, the present tariff takes hundreds of millions of dollars every year from the farmer, the laborer,

and other consumers, under the claim of enriching the manufacturer. It may not be much for each one to contribute, yet in the aggregate it is an enormous sum. For many, too, it is very much. The statistics will show that every head of a family who receives four hundred dollars a year in wages pays at least one hundred dollars on account of protection. Put such a tax on all incomes, and the country would be in a ferment of excitement until it was removed. But it is upon the poor and lowly that the tax is placed, and their voices are not often heard in shaping the policies of tariff legislation. I repeat, the product of one's labor is his own. It is his highest right, subject only to the necessities of the government, to do with it as he pleases. Protection invades that right. It ought to be destroyed, until every American freeman can spend his money where it will be of the most service to him.

To illustrate the cost of protection to the consumer, consider its operation in increasing the price of two or three of the leading articles protected. Take paper, for example. The duty on that commodity is twenty per cent *ad valorem*. Most of the articles which enter into its manufacture or are required in the process of making it are increased in price by protection. The result is that the price of paper to the consumer is increased nearly fifteen per cent; that is, if the tariff were taken off paper and the articles used in its manufacture, paper would be fifteen per cent cheaper to the buyer. The paper-mills for five years have produced nearly one hundred million dollars' worth of paper a year. The consumers have been compelled to pay fifteen millions a year to the manufacturer more than the paper could have been bought for without the tariff. In five years this has amounted to \$75,000,000, an immense sum paid to protection. It is a tax upon books and newspapers; it is a tax upon intelligence; it is a premium upon ignorance. So heavy has the burden of this tax become that every newspaper man in the district I have the honor to represent has appealed to Congress to take the duty off. The government has derived little revenue from the paper duty. It has gone almost entirely to the manufacturer, who himself has not been benefited as anticipated, as will presently be seen. These burdens have been imposed to protect the paper

manufacturer against the foreigner, in face of the confident prediction made by one of the most experienced paper men in the country, that if all protection were taken off paper and the material used in its manufacture, the manufacturer would be able to successfully compete with the foreigner in nearly every desirable market in the world.

Take blankets also for example. The tariff on coarse blankets is nearly one hundred per cent ad valorem. They can be bought in most of the markets of the world for two dollars a pair. Yet our poor, who use the most of that grade of blankets, are compelled to pay about four dollars a pair. The government derives little revenue from it, as the importation of these blankets for years has been trifling. This tax has been a heavy burden for the poor during this severe winter, a tax running into the millions to support protection. Heaven save a country from a system which begrudges to the shivering poor the blankets to make them comfortable in the winter and the cold!

Secondly, protection has diminished the income of the laborer from his wages. The first factor in the ascertainment of the value of wages is their purchasing power, or how much can be bought with them. If in one country the wages are five dollars a day and in another only one dollar, if the laborer can in the one country, with the one dollar, purchase more of the necessary articles required in daily consumption, he, in fact, is better paid than the former in the other who gets five dollars a day. Admit for a moment that protection raises the wages of the laborer, it also raises the price of nearly all the necessities of life, and what he makes in wages he more than loses in the increase of prices of what he is obliged to buy. As already stated, a head of a family who earns \$400 per year is compelled to pay \$100 more for what he needs, on account of protection. What difference is it to him whether the \$100 is taken out of his wages before they are paid, or taken from him afterward in the increased price of articles he cannot get along without? In both cases he really receives only \$300 for his year's labor. The statistics show that the average increased cost of the twelve articles most required in daily consumption in 1874 over 1860 was ninety-two per cent, while the

average increase of wages of eight artisans, cabinet-makers, coopers, carpenters, painters, shoemakers, tailors, tanners, and tinsmiths, was only sixty per cent, demonstrating that the purchasing power of labor had under protection in thirteen years depreciated 19.5 per cent. But protection has not even raised the nominal wages in most of the unprotected industries. I find that the wages of the farm hand, the day laborer, and the ordinary artisan are in most places now no higher than they were in 1860.

But it is confidently asserted that the wages of laborers in the protected industries are higher because of protection. Admit it. I have not the figures for 1880, but in 1870 there were not 500,000 of them; but of the laborers in other industries there were 12,000,000, exclusive of those in agriculture, who were 6,000,000 more. Why should the wages of the half million be increased beyond their natural rate, while those of the others remain unchanged? More — why should the wages of the 18,000,000 be diminished that those of the half million may be increased? For an increase cannot be made in the wage rate of one class without a proportionate decrease in that of others. But the wages of labor in protected industries are not permanently increased by protection. Another very important factor in ascertaining the value of wages is the continuance or the steadiness of the employment. Two dollars a day for half the year is no more than a dollar a day for the whole year. Employment in most protected industries is spasmodic. In the leading industries for the past ten years employment has not averaged more than three fourths of the time, and not at very high wages. Within the last year manufacturers of silk, carpets, nails and many other articles of iron, of various kinds of glassware and furniture, and coal producers have shut down their works for a part of the time, or reduced the hours of labor. Production has been too great. To stop this and prevent the reduction of profits through increasing competition, the first thing done is to diminish the production, thus turning employees out of employment. Wages are diminished or stopped until times are flush again. With the time estimated in which the laborers are not at work, the average rate of wages for the ten years preceding 1880 did

not equal the wages in similar industries for the ten years preceding 1860 under a revenue tariff. Indeed, in many branches the wages have not been so high as those received by the pauper labor, so-called, in Europe. But it is manifest that the wages in these industries cannot for any long period be higher than the average rate in the community; for, if the wages be higher, labor will crowd into the employments thus favored, until the rate is brought down to the general level. So true is this, that it is admitted by many protectionists that wages are not higher in the protected industries than in others. . . .

Thirdly, the effect of protection is disastrous to most of the protected industries themselves. We have seen that many of them have in recent years been compelled to diminish production. The cause of this is manifest. Protection confines them to the American market. The high prices they are compelled to pay for protected materials which enter into the manufacture of their products disable them from going into the foreign market. The profits which they make under the first impulse of protection invite others into the same business. As a result, therefore, more goods are made than the American market can consume. Prices go down to some extent through the competition, but rarely under the cost of production, increased, as we have seen, by the enhanced price of material required. The losses threatened by such competition are sought to be averted by the diminution of production. Combinations of those interested are formed to stop work or reduce it until the stock on hand has been consumed. Production then begins again, and continues until the same necessity calls again for the same remedy. But this remedy is arbitrary, capricious, and unsatisfactory. Some will not enter into the combination at all. Others will secretly violate the agreement from the beginning. Others still, when their surplus stock has been sold, and before the general price has risen, will begin to manufacture again. There is no power to enforce any bargain they have made, and they find the plan only imperfectly curing the difficulty. They remain uncertain what to do, embarrassed and doubtful as to the future. They have through protection violated the natural laws of supply and

demand, and human regulations are powerless to relieve them from the penalty.

Take, as an illustration of the operation of the system, the article of paper. One of the first effects of the general tariff was to increase the price of nearly everything the manufacturer required to make the paper. Fifteen millions of dollars a year through the protection are taken from the consumer. The manufacturer himself is able to retain but a small part of it, as he is obliged to pay to some other protected industry for its products, they in turn to some others who furnished them with protected articles for their use, and so on to the end. The result is that nominal prices are raised all around; the consumers pay the fifteen millions, while nobody receives any substantial benefit, because what one makes in the increased price of his product he loses in the increased price he is obliged to pay for the required products of others. The consumer is the loser, and though competition may occasionally reduce prices for him to a reasonable rate, it never to any appreciable extent compensates him for the losses he sustains through the enhanced price which the protective system inevitably causes. . . .

I say, therefore, to the American manufacturer, sooner or later you must choose between the alternatives of ruin and the abandonment of protection. Why hesitate in the decision? Are not Canada and South America and Mexico your natural markets? England now supplies them with almost all the foreign goods they buy. Why should not you? Your coal and iron lie together in the mountain-side, and can almost be dropped without carriage into your furnaces; while in England the miners must go thousands of feet under the earth for those products. . . . The situation is yours. Break down your protective barrier. All the world will soon do the same. Their walls will disappear when ours fall. Open every market of the world to your products; give steady employment to your laborers. In a little while you will have the reward which Nature always gives to those who obey her laws, and will escape the ruin which many of your most intelligent operators see impending over your industries.

I have not time to-day to more than refer to the ruinous

effect of protection upon our carrying trade. In 1856, seventy-five per cent of the total value of our imports and exports was carried in American vessels, while in 1879 but seventeen per cent was carried in such vessels, and in 1880 the proportion was still less. In 1855, 381 ships and barks were built in the United States, while in 1879 there were only 37. It is a question of very few years at this rate until American vessels and the American flag will disappear from the high seas. Protection has more than all else to do with the prostration of this trade. It accomplishes this result (1) by enhancing the price of the materials which enter into the construction of vessels, so that our shipbuilders cannot compete with foreigners engaged in the same business; (2) by increasing the cost of domestic production so that American manufactured goods cannot profitably be exported; and (3) by disabling our merchants from bringing back on their return trips foreign cargoes in exchange for our products.

Nor will I say anything as to the increase of the crime of smuggling under protection, a crime which has done incalculable harm to honest dealers, particularly on the border, and a crime out of which some of the largest fortunes in the country have been made.

There are many who will admit the abstract justice of much that I have said, who profess to believe that it will not do to disturb the tariff now. But for the protectionist the time never comes. When the depression in business was universal, they said you must not disturb the tariff now, because the times are so hard, and there is so much suffering. Now, when business has improved, they say you must not interfere with the tariff, because times are good and you may bring suffering again. When the present tariff was first levied, it was defended as a temporary expedient only, required as a necessity by war. Now that a quarter of a century nearly has passed by, and peace has been restored for fifteen years, the advocates for protection are as determined to hold on to the government bounty as ever. If they are to be consulted upon the subject as to when the people shall have relief, the system will be perpetual.

It is said we must not disturb the tariff because we must

raise so much revenue. I do not propose to disturb it to diminish revenue, but to increase it. The plan I propose will add one fifth at least to the revenue of the country. It is protection I propose to get rid of, not revenue. It has been well said that revenue ceases where protection begins. . . .

No more perfect illustration of the effect of free trade has been shown than in the history of the United States. Very much of our prosperity is due to the fact that the productions of each state can be sold in every other state without restriction. During the war the most potent argument for the cause of the Union was found in the apprehension that disunion meant restriction of commerce, and particularly the placing of the mouth of the Mississippi River under foreign control. The war was fought, therefore, to maintain free trade, and the victory was the triumph of free trade. The Union every day exhibits the advantages of the system.

Are these due to the accident of a state being a member of that Union, or to the beneficent principle of the system itself? What would prevent similar results following if, subject only to the necessities of government, it were extended to Mexico, to Canada, to South America, to the world? In such extension the United States have everything to gain, nothing to lose. This country will soon become the supply house of the world. We will soon have cattle and harvests enough for all nations. Our cotton is everywhere in demand. It is again king. Its crown has been restored, and in all the markets of the world it waves its royal sceptre. Out of our coal and minerals can be manufactured everything which human ingenuity can devise. Our gold and silver mines will supply the greater part of the precious metals for the use of the arts and trade.

With the opportunity of unrestricted exchange of these products, how limitless the horizon of our possibilities! Let American adventurousness and genius be free upon the high seas, to go wherever they please and bring back whatever they please, and the oceans will swarm with American sails, and the land will laugh with the plenty within its borders. The trade of Tyre and Sidon, the far-extending commerce of the Venetian republic, the wealth-producing traffic of the Nether-

lands, will be as dreams in contrast with the stupendous reality which American enterprise will develop in our own generation. Through the humanizing influence of the trade thus encouraged, I see nations become the friends of nations, and the causes of war disappear. I see the influence of the great republic in the amelioration of the condition of the poor and the oppressed in every land, and in the moderation of the arbitrariness of power. Upon the wings of free trade will be carried the seeds of free government, to be scattered everywhere, to grow and ripen into harvests of free peoples in every nation under the sun.

APPENDIX VII

SPECIMEN FORENSIC¹

“SHOULD the elective system be adopted in the public high schools of the United States ?”

INTRODUCTION

The contemporary discussion concerning the elective system for public high schools suggests the exhortation of a negro **Introductory** cab-driver. Glad of the lightning which showed **Paragraph.** him the road, but terrified by repeated peals of thunder, he cried, “O Lord, if it’s all the same to you, send us more light and less noise.” It is only with the hope of revealing some light on this problem that one is warranted in making more noise.

HISTORY OF THE QUESTION

For nearly a century the elective system has been pushing its way into our colleges and schools. In 1825 elective courses were offered to the upper classes of Harvard College. Since then the elective principle has been working down to the lower grades; in 1846 to the Senior and Junior classes of Harvard College, in 1867 to the Sophomore class, in 1884 to the Freshman class. The influence of this action by Harvard College was inevitably to send the elective system down to the upper classes of secondary schools; within a few years it has reached all classes in the public high schools of Boston and other cities. Down, down it has gone, through college,

¹ Adapted from an article in the *School Review*, February and March, 1905, by W. T. Foster. The argument was written to illustrate the method of analysis. The formal processes are too evident for rhetorical excellence; but for that very reason the argument is more useful to beginners than a masterpiece which has the art to conceal its methods.

For later study, the best convenient collection of masterpieces is *Specimens of Argumentation*, by G. P. Baker. Henry Holt & Co.

high school, and grammar school, until, as Dean Briggs says, "not even the alphabet can stop it."

ORIGIN OF THE QUESTION

The growth of this free-choice principle — fixed quantity and quality of work with variable topic — has no doubt been due largely to the growing diversity of knowledge, to the breaking down of the old ideal of the scholar, to the need of specialization, and to the opening of educational opportunities to all the people. Whatever the causes may be, the elective principle is established, its benefits are recognized, and all are agreed that at some place in our educational system the studies should be wholly elective. But at what point? The question is pertinent whether in escaping the Scylla of total prescription we are not in danger of being wrecked upon the Charybdis of total election.

Definition.

Whether free choice should begin in the first year of the public high school course is a question concerning which there has been much writing, some thinking, and a little scientific investigation. Many individual opinions have been given; the arguments on each side have been partly stated, some evidence has been presented, usually without consideration of its full bearing on all phases of the question; but has any one sought to discover the truth through bringing together all the arguments on both sides and viewing them in the light of facts? I have found no such attempt. My present purpose is to make that attempt, first of all through reducing the arguments of both sides to their lowest terms, in order to see in brief compass just what are the vital differences of opinion; and, second, through considering those issues one by one in connection with investigations concerning the working of the elective system in the United States.

**Scope of
Forensic.**

THE NEGATIVE CONTENTIONS

First, then, what is said against the elective system for public high schools. The arguments may be considered conveniently in four main divisions: the first concerning the ability of high school pupils to choose; the second concerning possible compromises between complete election and complete prescrip-

tion; the third concerning the effect of each system on teachers and principals; the fourth concerning the relative moral worth of the old system of prescription and the new system of election.

The first of these arguments contends that those in charge of the schools can choose better for all than can each individual pupil for himself. This is held to be true for three reasons: (1) there are certain studies which are essential for all pupils, of which Latin, algebra, geometry, and English are often urged; (2) pupils will not of their own choice elect these necessary studies; (3) pupils will choose foolishly, for they will elect easy courses, or those for which they are not prepared, or those taught by favorite teachers, or those of little value, or disconnected courses.

As a second main argument, two compromises are proposed, either of which is held to be superior to the elective system in its entirety. Since there are certain studies which constitute an essential foundation, and since pupils, left to their own choice, will neglect these studies, (1) a group system or (2) a programme of partial prescription seems to many people far better than "a frolic of unbridled fancy." Such is the name applied to the elective idea by an extreme opponent who refuses to call it a "system."

Of those who favor partial prescription, some would have the greater part of school work required and allow the pupil to choose only the "fringe." Others would establish a system of restricted choice, requiring the pupil to take at least one study from each of the great divisions of human knowledge, — say language, history, mathematics, and science. The other suggested compromise, called the group system, offers several complete programmes of studies, one of which the pupil must elect; but the studies within each group are wholly prescribed. The argument in favor of this system is that each pupil, whether preparing for college, for technical school, or for business — whether wishing a classical, scientific, or commercial course — can elect one well-planned group of related studies. Many believe that thus the benefits of the elective system are secured and its evils eliminated.

A third argument opposed to the elective system concerns teachers and principals. It is held that this system requires abler, more enthusiastic teachers, more competent and sympathetic principals, stronger men and women; that, further, the system demands of them more work. On this point, other friends of prescribed study urge that the free-choice system is a device to evade the most difficult work of teaching, a lazy, *laissez-faire* policy; for it tends to relieve teachers of the very pupils whom they have most difficulty in forcing through a prescribed curriculum.

**A Third
Negative
Contention.**

A fourth main argument is that the prescribed system is of greater moral worth. "What a boy likes," it is said, "is not always best for him," and "backwardness in any subject shows the desirability of more training at just that point." The drudgery of enforced tasks and the discipline in conquering distasteful subjects is more valuable than any training in free choice, and only prescribed work cultivates habits of application, thoroughness, and accuracy.

**A Fourth
Negative
Contention.**

These four objections do not by any means comprise all that has been said against the elective system. The arguments have been too intricate and numerous, have wandered along too many divergent paths, to be gathered into four folds. The friends of the fixed curriculum have also urged (1) that most public high schools are too limited in resources — in teachers and equipment — to make possible a programme of free choice; (2) that there are dangers of superficiality in the so-called "enriching" and "broadening" of lower-school programmes; (3) that absolutely unrestricted choice is impossible, since there are so many hindrances to its free play; (4) that the elective system throws upon busy parents an added responsibility, one wholly assumed by school authorities under the old fixed plan; (5) that the elective system cannot put a stop to all educational wastes.

**A Fifth Group
of Negative
Contentions.**

Indeed, so many have been the invectives against the elective system, so diverse have been the attacks, that it is no simple matter to extricate the specific objections. As far as I know, however, all the arguments which have been advanced

seriously are now before us in five divisions. The necessity of such an arbitrary arrangement, and the reason why I have grouped the last five contentions in a fifth division, will become clear through an examination of the other side, — of the arguments which favor complete freedom of choice in all our public high schools.

THE AFFIRMATIVE CONTENTIONS

The arguments adduced in support of the elective system may be considered in five groups, the first four of which will be seen to correspond with the first four opposing arguments stated above: (1) those concerning the relative ability of the individual to choose for himself and the ability of the school authorities to choose for all; (2) concerning the proposed substitutes for complete election; (3) concerning the effect of each system on teachers and principals; (4) concerning the relative moral worth of the two systems; (5) concerning several particular needs of public high school education in the United States.

The first argument in this order is that throughout the United States each high school pupil is better able to choose for himself than are school authorities for all alike. This is held true for three reasons: (1) there are no studies which are essential for all pupils; (2) few students omit the subjects most commonly defended by advocates of fixed courses; (3) there are many natural safeguards which together inhibit most of the mistakes of choice feared by the opponents of the elective system.

The second argument holds that no other plan is so satisfactory as complete election. (1) The group system (when its only distinct feature is preserved) is too rigid to provide for individual needs, and is an attempt to *enforce* specialization; (2) nor is any system of partial choice so satisfactory as complete election. A few options will not give the necessary advantages. Furthermore, elective and prescribed work side by side are incompatible. Finally, a partially elective plan will not do, for free choice should be given in the first year of high school, that the opportunities may attract grammar school graduates who are deciding whether to enter the high school; free choice should come

at this time, when the inevitable errors of training in choice are least harmful.

A third argument is that, under the elective system, teachers and principals are relieved of the most disheartening kind of work, and inspired with a more sympathetic and enthusiastic attitude toward their work and their pupils.

**A Third
Affirmative
Contention.**

A fourth is the moral argument. The elective principle is considered strongest for building character, because it honors the will, trains in choice, removes the dangers of habitual dependence, decreases the amount of cheating, helps to break the demoralizing educational "lock-step," and aids in developing good citizens. Furthermore, in reply to a common objection, the friends of election say that there are two kinds of drudgery, and the only kind which has moral strength is as surely found where all studies are elective as where all are prescribed.

**A Fourth
Affirmative
Contention.**

A fifth group of arguments in favor of the new system deals with several present needs of public high schools in the United States, which, it is held, only the elective system can satisfy. One of these is the need of arousing the interest of parents, and thus securing more sympathetic coöperation of home and school. Another is the need of a system by which our school buildings can be used more hours of each day, and thus be made to accommodate more pupils. A third is the necessity in a democratic community of recognizing the wide diversity in the needs of pupils, and thus providing for all classes of society. A fourth is the need of increasing the percentage of the population that secures a high school education, both by attracting more pupils and by keeping them longer in school. Such present demands, which the people rightfully make of their schools, no prescribed curricula can so nearly satisfy as the plan of complete free choice.

**A Fifth Group
of Affirmative
Contentions.**

THE MAIN ISSUES REACHED THROUGH THE CLASH OF OPINION

Here, then, are the arguments of both sides, stripped of all their finery and set side by side for the sake of comparison.

It is clear that the two sides meet with a definite clash on the first four contentions.

The questions, therefore, which must be decided, the main issues on which the advocates of the new system must win or lose their case, are these four: (1) Whether each pupil can choose better for himself or school authorities for all; this in turn depends on (a) whether there is a common ground essential for all pupils; (b) whether with freedom of choice pupils will avoid this common ground; (c) whether there are a sufficient number of safeguards to prevent unwise choices. (2) Whether the group system or any system of partial election has sufficient advantages to offset those of the elective system. (3) Which plan is better suited to secure the interest, sympathy, effective work, and happiness of teachers and principals. (4) Whether the moral benefits of drudgery, of conquering distasteful subjects, of submitting to authority, acquiring habits of persistence and accuracy, which are claimed for the prescribed system, outweigh the moral worth of training in free choice which is claimed for the elective system. Such are the four main issues.

Above and beyond these, on which the two sides clinch, other arguments are advanced on both sides of the question. What is their bearing? If they are beside the point, we can discard them at once; if they are germane, but incontestable, we must keep them in mind as truths to be reckoned with; but in any event, since they have all been brought forward repeatedly in connection with this subject, we must give them fair consideration. We may well do so before we examine the main issues.

EXCLUSION OF IRRELEVANT MATTER

In an overlapping group we included the objection that the majority of public high schools are too limited in teaching force and equipment to introduce elective studies; and another objection, — the danger of superficiality in the so-called enriching and broadening of lower-school programmes. These two matters are continually and often evasively slipped in among the arguments against elective studies; but if this

bare, perhaps wearisome, analysis of the question serves any purpose, it helps to make clear that these two points are not germane, but beyond the limits of the present subject.

They are extraneous, because, as regards the first objection, it is obvious that schools which can offer only one complete course are not concerned with the matter of election; such schools fall beyond the scope of this discussion until they are able to extend their curricula. Likewise, concerning the second objection, however important it may be to recognize the possible dangers in enriching and broadening the programmes of the lower schools, the question does not concern the *election* of studies. This point is important. If there are any subjects which are worthless, out of place, or superficially taught, they are so whether they are imposed on the pupil or left to his choice. The real fault is that they are in the curriculum at all. These two matters, therefore, may be safely banished from the real issues.

STATEMENT OF ADMITTED MATTER

The arguments against the elective system further include two contentions: first, that unrestricted election is impossible, since there are so many hindrances to its free play; second, that the elective system throws on busy parents a responsibility hitherto wholly assumed by the schools. Surely these two points concern us vitally; but, so far as I know, they are admitted by everybody. So much is common ground. The last objection mentioned above — a kind always urged against any reform, namely, that the new system will not put a stop to all educational wastes — is also conceded by all its defenders.

In thus analyzing the question and narrowing the issues, as I have done in a somewhat arbitrary way, and in seeking a clear path among opinions, assertions, and generalities more or less connected with the subject, I have found considerable drudgery and many a lesson in patience; advantages, by the way, which, some people contend, go only with enforced work. On some aspects of this

**Smoothering
the Way for
the Body of
the Argument.**

matter only opinions can be given; on others, sound reasoning; on still others, the results of scientific investigation. Such results are most valuable, for, in dealing with questions concerning which the organization of contemporary educational experience gives facts, it is an old and pernicious habit to guide practice by mere individual opinion. On such questions your opinion is as good as mine, mine is as good as yours, and the chances are that neither is worth much. Consequently, wherever I have found it possible to collect specific evidence on any phase of the subject at hand, I have done so, with the result that my own attitude toward the question has passed from doubt — a good old-fashioned doubt — to the conviction that in the public high schools of this country the studies should be wholly elective.

Whatever differences of opinion there may be concerning the value of the elective system, no one can deny that its progress — like that of reform everywhere — has been slow and painful. At every turn it has met a stone wall of conservatism. For one educated under the old prescribed régime, and indoctrinated with the venerable idea of what constitutes a liberal education, it is difficult to eliminate the personal equation. Scholars cling naturally to old ideas, old ideals, old methods; no body of men is more stolid, more averse to change. In business such men fail, driven to the wall by competition with those who are ready to adopt new methods. But education fosters conservatism; as a rule, men prefer to teach the things they were taught, and to teach them in the same way. So the mistakes of fathers are visited upon children and upon children's children, unto how many generations only the history of education can tell.

Just at this point the reply is made that in all ages conservative forces have been valuable safeguards to progress. True, conservatism often means needed restraint; it curbs and tempers the ultra-radical. In education, however, conservatism has oftener meant stagnation, — a fact so conspicuous that not even the most ardent opponents of the elective system venture to deny it. Nearly every progressive step has been made against violent, prolonged, and often vicious opposition. For hundreds of years schoolmasters kept their backs to the

future, and vainly endeavored to ignore the crying demands of the present. We congratulate ourselves that we have now turned about; that with every effort to think clearly and independently we are feeling the pulse of present need and striving even for glimpses of the future. Shall we not, then, in all fairness to the friends of the new, as well as to ourselves, endeavor to look on this question without prejudice?

THE BODY OF THE ARGUMENT

FIRST ISSUE

The elective principle can be justified in the first consideration only by proving that each pupil is better able to choose for himself alone — not for any other pupil or for the “average boy,” but for himself alone — than is any individual, however wise, or any body of men, however experienced, to choose for all pupils. This proposition is fundamental. To it the advocates of prescribed studies reply that certain studies should be required of all. At the risk of wearisome repetition, I reduce their argument, for the sake of clearness, to this syllogism: —

First Opposing Argument Reduced to Syllogistic Form.

First, there are certain studies essential for all pupils in public high schools.

Second, students left to their own choice will not elect those studies.

Conclusion: therefore those studies should be prescribed.

If either premise is false, the conclusion is not necessarily true.

First, then, is it true that there are studies which should be required of all pupils in public high schools? Are we sure that any subjects naturally belonging to high school years should be forced on all pupils, boys and girls, rich and poor, weak and strong, bright and dull, regardless of their aims, aptitudes, desires, ambitions, temperaments, capacities? It seems at least doubtful. In these important respects no two individuals are alike. We need no master of psychology to tell us that each high school pupil is an infinitely complex organization, the duplicate of which does not and never will exist. By heredity and by environment he

Refutation of First Negative Contention.

differs widely from all other human beings in passions, adaptabilities, emotions, desires, powers, health. In no other creature are they associated as they are in him. His will-force, enthusiasm, interest, moral purposes, are aroused and used in ways wholly his own. In the rate of physical development, in bodily endurance, in home influences, in time of entering school, in regularity of attendance, in future possibilities, — in an endless number of particulars, each individual is unlike all the others in any school. What, then, shall we attempt to cast this mind into one mould with all others, and subject it to the same treatment, the same work, the same tests, the same influences for the same length of time? Shall we, in prescribing for our own children, neglect the universal principle of endless diversity, and plan our public high school programmes for a purely imaginative child — the “average high school pupil” — who never did and never can exist? If so, we must inevitably neglect all the species, all the living potentialities, all the vastly dissimilar individuals, who knock at the doors of public high schools in a democratic community.

There is, it is true, another side to this question of individuality. Not all variations are worthy; there is a limit to the desirable development of personal traits; and it is said that the least commendable may be eliminated by prescribed studies. If, indeed, any course of study prescribed for all could search out and stunt in each individual his unworthy variations from the normal, we should have to yield a point in favor of required work. But the argument is not sound. In the first place, it assumes that schoolmen are sufficiently wise to decide just what variations from the normal are good and what are bad — just how far it is well to encourage the development of individuality. To accord such wisdom to the makers of programmes is to ignore the experience of centuries. Furthermore, there are as many variations as there are individuals, as many special problems as there are pupils. No one answer will suffice. Studies prescribed for large groups — as they must be in public high schools if prescribed at all — cannot satisfy manifold special needs.

Furthermore, many types of the abnormal have no place at all in public high schools; much less have they a right to influ-

**Refutation
continued.**

ence the course of study for the ninety and nine per cent of the normal. For the extremely defective there are special public institutions, as there always must be; and there are private schools, which find possibly their only convincing and permanent justification in their ability to care for extreme cases as public schools certainly cannot do.

The time has come when the public high school should fit the work to the pupil, and cease worrying the reluctant teacher with the impossible task of making the pupil fit the work. At least, let us cease condemning the teacher because out of these innumerable differences among individuals he is unable to produce "uniform nonentities." Certainly this is not the purpose of the best teachers of prescribed work; many of them are doing as well as they can to discover and develop the individual; and they do much. That they accomplish no more is the fault of a system which does not encourage or respond to their efforts.

Dean Briggs, of Harvard University, expressing "Some Old-Fashioned Doubts about New-Fashioned Education," phrases a sound and generally accepted principle when he says: "Education should always recognize the fitness of different minds for different work." It is pertinent to ask whether the word "always" is not sufficiently comprehensive to include the high school years. Prescribed courses do not recognize the fitness of different minds for different work; on the contrary, such courses hinder the differentiation of those various individuals in our public schools who are soon to take widely different places in the world outside the schoolroom. No studies should be required of all.

I know that men may still be found clinging to the mediæval doctrine that certain subjects alone train certain faculties of the mind, — one subject for the reason, another for the memory, still a third for the imagination, and possibly one royal subject (their specialty) which trains all the faculties. I also know of men who would go hungry rather than sit at a table of thirteen. But ideas which have long been banished to the vast limbo of educational absurdities cannot well affect this question in the present day. The advocates of the elective

**Testimony of
Authority
(from an
Opponent).**

system believe that it takes an ingenious child to choose a high school course of studies which (if properly taught — the necessary proviso) will seriously neglect the training of any important faculty of the mind.

For reasons soon to appear, I shall spend but little time on the discussion of educational values. I believe that the prestige of the studies which have been imposed on students most commonly — say, Latin, geometry, algebra — is due to tradition; it is the heritage from an age when the field of knowledge was much narrower than it is to-day, when science had no place; it is due to this, as well as to the conservative influences so strong in education, and to the remarkable body of teachers and well-organized methods and materials which these subjects, more than others, have had in the past.

But the opponents of the elective system free its advocates from the need of any discussion of relative values of studies; the reason is plain — the final reason why no high school studies can be sensibly prescribed for all — the opponents of free choice are utterly unable to agree among themselves as to what the prescribed course should be. In proof I could fill volumes with suggested schedules. I have before me more than a hundred different courses of study prescribed for high schools, all agreeing in one point only, namely, in prescribing something. For example, some prescribe physiology the first year; others prescribe it the last year; others omit it entirely. When there are not a half-dozen high schools in the entire country, under separate management, with identical courses of study, is it not preposterous to maintain that there is a vital, fixed interrelation and one natural sequence of subjects?

Says S. D. Brooks: "So in a programme — much should be insisted on"; and he insists on one programme. Says W. T. Harris: "All studies should be required"; and he insists on another programme. This diversity of opinion is typical, and, as Professor Greenough says, "fairly represents the breaking up of all the old opinions as to what should constitute a liberal education."

Albert Stickney, a radical adversary of the elective principle, said before the New York Harvard Club: "As to what this prescribed course of study should be, we laymen do not

pretend to say; as to that point we are profoundly ignorant." That is just the crux, the fatal weakness in the whole case against the new system. That is at least one difficulty on which both sides must agree; for as to any studies which should be required of all students in all public high schools, the advocates of the elective principle are also "profoundly ignorant."

The disagreement as to what those "certain essential studies" are, indicates a fallacy in the whole argument. That fallacy is the assumption of the educational value of each subject for all students, whereas we have no such definite knowledge to guide us. Studies undoubtedly vary in educational worth, just as food products vary in nourishing value. But is it sensible to say that therefore a schoolmaster should prescribe the same curriculum for all his pupils, and a physician the same diet for all his patients? Certainly not; for in both instances the value of the food depends on the power of the individual to assimilate it. The schoolmaster, as well as the physician, must diagnose each case before prescribing. It is impossible to determine, even at a given time, a fixed educational value of any subject for all pupils: there is no such thing.

**Analogy
used as
Illustration.**

Still another difficulty is suggested in a recent number of the *School Review*: "Most of us are inclined to think that the particular studies which we ourselves have pursued are on the whole superior, and that the one study to which we have devoted most time is the aristocrat of the whole group. It is certainly difficult for a teacher to eliminate the personal equation; if he could do so, I wonder if we should want him."

These, then, seem to be the main reasons for the general disagreement as to what should constitute the prescribed course: the impossibility of successfully educating different individuals by one régime, of determining the fixed value of any study for all pupils, or of eliminating prejudices. Whatever the reasons may be, the fact remains — a stubborn one for those who decry the elective plan — they cannot agree.

**Summary:
Emphasizing
the Bearing
of the
Evidence.**

Added to all this, we have the lessons of history. I shall not here attempt to epitomize the wearisome account of centuries

of prescribed studies. Every age has had its ideal curriculum. We now see, or think we see, that for centuries these have all been wrong. No country at any time has ever devised a school programme which to us appears to have been perfectly adapted to the needs of all its people. Still there are men who, unmindful of the infinite diversity among individuals, oblivious of the fatal disagreements among themselves, and regardless of the plain lessons of history, are so presumptuous as fondly to imagine that at last to them — to them alone — has been revealed the one prescribed course which we can safely impose — nay, which we must impose — on all our children.

If at this point we take another look at our syllogism, we find that the combined testimony of both sides of the question overthrows the first premise: with it falls the syllogism. Still, not all the advocates of required studies will be satisfied with the foregoing argument. Here is a man who wishes to test the second premise; to inquire whether the studies most frequently urged as essential for all are not very largely neglected when prescription is removed. He acknowledges the wide disagreement as to what the fixed course should be, but he believes that his own ideas are right; he is sure that no study or group of studies can take the place of Latin; he is sure that, however widely and variously abnormal an individual may be, the one subject he must take is Latin — or is it physiology? The opinion of such a man, even though mere opinion, should not be lightly set aside. He has a right to ask whether students under the elective system will not avoid the studies which are closest to his own heart. And although the answer cannot affect the judgment of those who accept the preceding argument, the answer is at least interesting.

If students to any extent avoid the studies most commonly defended, surely investigation concerning the actual working of the elective system will show that result. Let us see. The high school in Galesburg, Ill., the first to make all studies elective, has now had nine years' experience with the elective system. The superintendent says: "There has been no disposition on the part of the pupils to

Argument

from

Example.

Overthrowing

the Second

Premise of the

Syllogism.

Testimony of

Authority.

omit the so-called disciplinary studies for those said to be easy; they have not been inclined to allow their own whims to govern them, nor, what is worse, to follow the whims of others." But is this the experience of the whole country? In answering this question, we may consider the reports of the United States Commissioner of Education as fairly accurate; at any rate, they are the best evidence available for the whole country, and, if they err at all, are as liable to favor one side as the other. The reports which concern us most closely are those from 1889-90 to 1900-01, during which time the elective principle made greatest progress in public high schools.

Now, although there are no subjects included in all prescribed curricula, there are several subjects more frequently insisted on than others, and of these most fear is expressed for Latin, geometry, and algebra. During the onward march of the new principle, what has been the fate of these subjects? Has the number of boys and girls studying these subjects decreased while the number enrolled in other subjects increased? The theorizing of our opponents leads us to think so. Yet the official reports of the United States Commissioner of Education for the ten years show that the number of students in Latin has increased 173 per cent; in history, 153 per cent; in geometry, 150 per cent; in algebra, 141 per cent. In no other subject (except English) has the gain in enrollment been so great.

TABLE I

Studies	1889-90	1900-01	Per Cent of Increase
Latin.....	100,144	273,314	174
History.....	82,909	210,813	152
Geometry.....	59,781	150,788	147
Algebra.....	127,397	308,557	141
German.....	34,208	83,702	131
French.....	28,032	44,889	60
Physics.....	63,644	99,666	50
Chemistry.....	28,665	40,964	43
Greek.....	12,869	14,232	9

This is significant. The studies about which there is most fear are the very studies which have actually progressed most, side by side with the elective system.

This is true for the whole country, but is it true for the largest cities, where the freedom of choice has been greatest? The answer is given in the same reports. Compare the tables for the public high schools of the fifty largest cities in the United States with the tables for all other public high schools. The ratio of the number of students taking Latin to the whole number of students in the largest cities does not vary three tenths of one per cent from the similar ratio in the rest of the country.

But still the man of doubt may ask: What are the figures for the North Atlantic Division of the country, where there has been widest acceptance of the system? Here in Table II are the results compiled from the report for 1899-1900 of the Commissioner of Education: —

TABLE II
PUBLIC HIGH SCHOOLS

Latin	Greek	French	German	Algebra	Geometry
50.45	2.63	8.29	15.45	56.96	27.83
47.01	5.44	18.48	19.89	50.12	27.66

The table gives the percentage, in each subject, of the whole number of students enrolled in the public high schools, — the first row across for the United States, the second for the North Atlantic Division. Surely there is not here sufficient difference to cause the slightest alarm.

Table V gives further evidence on this question, — evidence which may be misleading without a note of explanation. The table gives the number of elections in each of twenty-eight subjects for each of nine public high schools of the city of Boston. This material I have collected for the sake of its bearing on the question of elective studies. I have therefore

omitted the Boston Latin School and the Girls' Latin School, in which only a part of the work is optional. The table shows that of the 5318 pupils enrolled in these nine high schools in the year 1903-04, only 1154 elected Latin. This small proportion is due to the fact that the majority of boys and girls in the city who desired classical courses elected one of the two schools which are not shown in the table. For the whole city the number of high school students studying Latin is about one half the whole number enrolled, which is the proportion given by the Commissioner of Education for the entire country.

All this goes to prove that in the country as a whole, in the largest cities, in the North Atlantic Division, and in the city of Boston, the most rapid growth in the last ten years has been in classics, mathematics, history, and modern languages, — a fact which somewhat damages the theory regarding the probable fate of these studies. Under the elective system, students have not to an alarming extent avoided these subjects.

**Summary:
Emphasizing
the Bearing of
the Evidence.**

Still we are not done with the first part of the issue; it is further held that pupils will choose foolishly, in that they will elect easy courses, or those for which they are not prepared, or those taught by favorite teachers, or those of little value, or disconnected courses. On these points there has been almost endless theorizing. Schoolmasters are fond of the *a priori* assumption that such things must be; they are not fond of the labor of ascertaining just how things *are*, nor does their daily work leave them the time or the energy for such investigation. Some of this work has been done by the Harvard Education Seminary in the years 1900 to 1904, and the results I have arranged in Table III.

**Refutation in
Detail of the
First Negative
Contention.**

Regarding the motives which determined the choice of studies, the following questions were asked: —

Has your choice of studies been determined by any of the following reasons: —

- (a) Temporary interest due to the recommendation of other students.
- (b) The advice of teachers, parents, or guardians.
- (c) Deliberate choice in accordance with your own tastes.
- (d) The desire to avoid difficult subjects.
- (e) If two or more of these reasons have determined your choices, please say so. If other reasons than those enumerated have determined your choices, please give them.

TABLE III

Table of Replies from 2485 Pupils, in the Graduating Classes of Fifty-four High Schools

School	No. of Replies	"Yes" to a	"Yes" to b	"Yes" to c	"Yes" to d	"Yes" to e	Per Cent Replying "Yes" to				
							a	b	c	d	e
Roxbury.....	74	1	60	54	2	39	1	81	73	2	53
Lawrence.....	27	1	20	24	2	8	4	74	88	7	29
Leominster....	17	0	13	13	1	2	...	76	76	6	12
Chicopee.....	24	0	13	15	3	4	0	54	63	13	17
Holyoke.....	44	14	43	34	9	23	32	98	77	20	52
Springfield....	67	2	51	57	6	56	3	74	85	9	68
Worcester.....	149	21	109	131	35	56	14	73	88	24	37
Providence, R. I.	68	10	45	55	1	45	14	66	84	1	66
Woonsocket....	18	0	11	18	0	3	0	61	100	0	17
Great Falls, N. Y.	35	13	33	35	1	8	37	94	100	3	22
Utica Free Academy....	23	2	13	17	0	18	9	56	73	0	78
New Rochelle..	14	0	13	14	0	2	0	95	100	0	13
Saratoga.....	22	2	14	16	1	6	9	64	72	4	27
Jamestown....	38	3	35	30	3	12	8	92	78	8	32
Binghamton...	45	7	34	42	4	9	15	75	93	9	20
Washburn.....	8	1	7	6	0	0	12	88	75	0	0
Hoosick Falls..	31	9	31	29	5	2	29	100	93	16	6
Geneva.....	14	1	11	14	0	5	7	74	100	0	36
Corning.....	12	0	11	12	0	4	0	91	100	0	25
Topeka.....	75	16	62	71	10	8	21	83	95	13	11
Canton, O.....	49	2	38	42	1	10	4	76	84	2	20
Hamilton.....	61	4	44	60	3	4	6	72	98	5	6
Cleveland (Central)....	66	8	45	57	1	10	12	64	86	2	15
Galesburg, Ill..	125	27	98	118	16	47	21	79	94	13	37
Rockford.....	48	9	34	44	15	5	18	71	91	31	10
Evanston Township...	66	7	46	63	10	21	11	70	95	15	31
Goshen, Ind...	20	2	16	20	0	0	10	80	100	0	0
Terre Haute...	44	1	24	39	7	22	2	54	88	16	50
Indianapolis (Manual)....	62	5	45	43	5	13	8	72	69	8	21

TABLE III—*Continued*

School	No. of Replies	"Yes" to a	"Yes" to b	"Yes" to c	"Yes" to d	"Yes" to e	Per Cent Replying "Yes" to				
							a	b	c	d	e
Indianapolis (Academy)...	68	8	50	63	5	31	10	73	92	7	45
Leavenworth, Kans.....	26	5	26	23	5	10	19	100	90	19	38
Lincoln, Neb...	40	7	35	39	10	7	17	87	97	25	17
Crete.....	36	2	13	32	1	12	6	36	88	3	33
Nebraska City.	26	0	21	26	0	3	0	78	100	0	11
Fresno, Cal....	15	3	7	12	2	6	20	47	80	13	40
Belmont.....	10	1	6	10	0	..	10	60	100	0	..
Brockton.....	23	3	12	14	3	..	13	52	61	13	..
Brookline.....	33	1	26	33	2	..	3	78	100	6	..
Cambridge (English)....	51	9	42	50	16	..	18	82	98	31	..
Cambridge (Latin).....	63	2	40	54	9	..	3	63	86	14	..
Chelsea.....	56	5	34	47	15	..	9	61	84	24	..
Fitchburg.....	43	5	30	36	3	..	12	69	81	7	..
Gloucester.....	37	1	28	24	2	..	3	75	65	5	..
Lowell.....	83	9	76	61	7	..	11	91	73	8	..
Lynn (English)	102	27	64	95	15	..	26	63	93	15	..
Lynn (Latin)..	44	7	32	42	5	..	16	73	95	11	..
Malden.....	18	2	11	16	3	..	11	61	89	17	..
Medford.....	54	14	33	46	17	..	26	61	85	31	..
Melrose.....	34	3	29	33	0	..	9	85	98	0	..
New Bedford..	41	4	35	41	7	..	10	85	100	17	..
Newton.....	42	5	32	38	12	..	12	76	90	28	..
Quincy.....	55	1	45	48	3	..	2	82	87	5	..
Salem.....	52	0	27	37	2	..	0	52	71	3	..
Somerville.....	87	9	69	69	0	..	10	79	79	0	..
Grand total .	2485	302	1852	2162	285	511	12.1	74.5	87.	11.4	20.5

Of 2485 students in the graduating classes of fifty-four high schools, 302, or 12.1 per cent, replied that they had been influenced in their choice of studies by temporary interest due to the recommendation of other students; 1852, or 74.5 per cent, replied that their choice of studies had been determined,

wholly or in part, by the advice of teachers, parents, or guardians; 2162, or 87 per cent, replied that they had deliberately chosen all or the greater part of their studies in accordance with their own tastes; 285, or 11 per cent, replied that in one or more choices they were influenced by the desire to avoid difficult subjects.

HIGH SCHOOLS IN EASTERN MASSACHUSETTS

[illegible]

Has your choice of studies been determined by any of the following reasons: —

	"Yes"	"No," or Un- answered
(a) Temporary interest due to the recommendation of other students.....	11.6%	88.4%
(b) The advice of teachers, parents, or guardians.....	72.3	27.7
(c) Deliberate choice in accordance with your own tastes.....	85.5	14.5
(d) The desire to avoid difficult subjects.	13.0	87.0

Of the 1557 pupils in the first thirty-five schools included in Table III, 511 (that is, about one third) gave, in reply to question *e*, various motives for choice which may be included under the general term "vocational needs."

The record of this investigation in the public high schools of eastern Massachusetts, which is given separately in Table IV, shows results almost exactly the same as those derived from the whole number of schools in Table III.

Regarding the extent to which pupils are influenced in the selection of studies by the action of their associates, a comparison of the programmes of one class of pupils for four years gives good evidence. For this purpose take the high school of Galesburg, Ill. The 125 reports sent to the Harvard Education Seminary by the members of the senior class of this school exhibit 119 different programmes of study; they seem to show independent, deliberate choice.

The 2485 pupils represented in Table III gave copies of their programmes of study for each year of their high school course. An examination of those few reports which gave temporary interest or the desire to avoid difficult subjects as motives for choice showed that the resulting programmes of study differed but little from the programmes of other students. In such a large number there were undoubtedly some mistakes, yet, in the opinions of the principals, so far as those opinions were given, all the programmes were better suited to the individuals than any one prescribed course could be.

As to the value of these replies from students, there may well be difference of opinion. My own belief is that the reports

as a whole may be taken as the honest, careful judgment of each individual as to the motives which determined his choice of studies. The replies were collected and tabulated by men of varied opinions regarding the elective system, who were not striving to make the reports read one way or the other. Furthermore, wherever the student gave as a reason for choice the desire to avoid difficult subjects, the choice was not one that could be condemned without a knowledge of the individual pupil. For example, one pupil said frankly: "Took German instead of Latin; it was easier, and I always like to have things as easy as possible." Shall we say that even this was *surely* an unwise choice? Not if the elective system is offered with its necessary proviso, that what a boy chooses, that he must do well.

How can it be that nearly all of these 2485 elected programmes of study are apparently better for the **Hurtful Admission of an Opponent.** particular pupils than any prescribed course could be? Why are not these programmes "freaky," disconnected, or unduly specialized; why do they not go

TABLE V

Showing the Number of Elections in Each of Twenty-eight Subjects for Each of Nine High Schools of the City of Boston

No. of Pupils	Boston High Schools	English	History	Civil Government	Commercial Law	Economics	Latin	Greek	French	German
291	Brighton.....	273	159	8	8	12	113	11	143	50
226	Charlestown....	175	96	13	12	0	23	0	121	17
1078	Dorchester.....	1030	535	54	67	14	318	0	672	203
424	East Boston....	402	297	0	27	0	83	5	209	23
834	English High...	818	423	48	81	10	88	0	571	104
898	Girls' High....	972	855	94	0	0	194	0	622	142
533	South Boston...	522	243	5	0	0	103	5	248	83
671	Roxbury	652	304	0	30	0	123	34	334	262
363	West Roxbury..	357	282	0	7	0	107	7	201	61
	Total.....	5201	3194	222	232	36	1154	62	3093	945

TABLE V — *Continued*

No. of Pupils	Boston High Schools	Spanish	Algebra	Geometry	Higher Mathematics	Biology	Commercial Geography	Physiology	Physical Geography	Physics
291	Brighton.....	7	98	47	12	51	11	33	0	7
226	Charlestown....	0	40	4	0	33	..	8	9	9
1078	Dorchester.....	23	244	71	87	263	67	39	15	126
424	East Boston....	0	107	32	26	118	27	30	16	17
834	English High....	28	437	122	61	25	81	0	0	69
898	Girls' High....	0	218	164	21	361	46	77	0	130
533	South Boston...	64	161	35	13	117	37	10	0	18
671	Roxbury.....	0	222	80	0	102	0	26	24	11
363	West Roxbury..	0	132	48	20	59	0	0	23	37
	Total.....	122	1659	603	240	1129	269	223	87	424

No. of Pupils	Boston High Schools	Chemistry	Astronomy	Drawing	Bookkeeping	Photography and Typewriting	Household Art	Music	Gymnastics	Military Drill	Hygiene
291	Brighton.....	14	2	114	84	135	22	250	167	80	117
226	Charlestown....	11	0	103	95	86	0	179	128	46	107
1078	Dorchester.....	109	0	366	446	205	0	834	630	305	759
424	East Boston....	77	0	130	193	116	0	392	314	78	185
834	English High....	62	0	256	324	238	0	187	153	743	760
898	Girls' High....	91	14	347	397	157	0	826	864	0	457
533	South Boston...	58	9	261	131	200	0	451	380	150	219
671	Roxbury.....	137	0	376	237	297	45	360	480	138	185
363	West Roxbury...	56	0	110	110	68	16	266	237	81	323
	Total.....	615	25	2045	2117	1502	83	3745	3353	1621	3112

far astray? The reason is that pupils are protected from unwise choices by many natural safeguards. This the opponents of the system have admitted in urging that absolutely free choice is not possible. To be sure, it is not. So, when

such a strenuous opponent as Mr. W. J. S. Bryan, of St. Louis, points out the inherent difficulties in the way of free choice, he slips over, apparently unwittingly, to the goodly company of elective system advocates. The system, as it is and must be administered, is protected in many ways.

Of these natural safeguards there are at least eight worth mentioning. Each points the course through safe channels; together they prevent most of the wrecks that are feared. First of all, there is the advice of teachers and parents, which no system can eliminate. Happily such advice becomes more and more intelligent, more and more valued by pupils, hence more and more effective in preventing mistakes as the chances for election increase. There is also powerful tradition concerning studies, which exerts such influence that nearly all are loath to stray far from blazed paths. There is the capacity of the pupil, physical and mental, which limits the number of possible choices. There is the fixed number of school hours per day, which restricts the scope of school programmes. There is the limited teaching force, which cannot undertake to teach "fringe" courses elected by the scattering few.

Still another restriction affects an increasing number of students, — the entrance requirements of higher institutions: students who find their work laid out for them in college catalogues have only restricted options. Another safeguard lies in making choice deliberate: pupils on graduating from grammar schools are asked to consider what they will study in the high school. Pupils already in the high school are asked to choose tentative programmes for the following year, and during the long vacation they have time to think over their choices. At the opening of the school year there are conferences, that the pupils may not go about their work blindly.

Beyond all these safeguards there is one of even greater importance, — the exceedingly restrictive limitation due to the sequence and dependence of studies; not a human, but a divine principle. A pupil cannot elect second-year Latin before he has completed the beginners' course; he cannot pursue higher mathematics without the foundations; other courses he cannot elect until he reaches the year in which it is deemed wise to offer them. Ah, but does not such restriction

destroy the elective system? On the contrary, without these natural safeguards there would be nothing we could properly call a "system." Hedging electives in this way is not abandoning the principle; it is offering guidance precisely where guidance is most needed, in order to protect rational choice, and destroy the chance for "crazy patchwork."

In the advice of friends, in tradition, in physical and mental limitations, in the number of hours and the number of teachers available, in college requirements, in deliberate choice, in the laws of dependence and sequence applied to the order of studies, — in all these ways, and more, nearly every pupil is amply protected from the dangers of foolish choice.

In urging the inability of pupils to choose wisely, the opponents of the new system often employ amusing illustrations which prove nothing, and false analogies which are unfortunately accepted by a prejudiced public as substitutes for evidence and reason. A fair example of this kind of talk is the following editorial article from a Chicago paper:

Summary.

Exposing Fallacies of (1) Unwarranted Assumption, (2) Begging the Question, and (3) False Analogy.

The average high school boy has hardly got beyond the period when he is puzzled to decide whether he will be a general, an admiral, or a circus clown. To throw open a course of study to the election of such immature minds would be as edifying a spectacle as to allow an infant to experiment with different colored candies, for the similitude could be extended to the ultimate effect on brains and bowels.

This quotation was deemed worthy a place in the report of the National Educational Association for 1900 (p. 435). It is the kind of argument which is constantly urged against the elective system. Yet the first sentence not only assumes that there is such a being as "the average high school boy," which, for the purpose at hand, not all of us are ready to admit, but it also begs the entire question as to the maturity of high school pupils. The second sentence, making no distinction between infancy and adolescence, employs a false analogy. This would seem to be fallacy enough to pack into one brief quotation, but a little thought will discover yet another false assumption, — that the elective system offers the child much that is useless or really harmful, as the colored

candies are assumed to be. The truth is, that if any curriculum embraces studies which are useless, or harmful, or prematurely offered, the fault is not with the elective system, but with those who allow such studies any place in the programme.

More than all this, such fallacious argument emphasizes a positive virtue of the system it decries. The history of education and the present varied and rapidly changing ideas concerning the essential studies show the probability of many mistakes in school programmes. The studies may be ill-timed, ill-suited, or ill-taught, — note that. Under either system some errors must be made. The question is whether we shall impose these on all alike, or leave open the possibility of avoiding them. Which are worse, the mistakes in election made by a few persons, or mistakes which are prescribed for all? The latter are like the rain of heaven, not in its gentle quality, but in falling on the just and the unjust. There is no escape. Prescribed errors ravage not only the dull, lazy, shiftless boys and girls, — who are not to be harmed much by anything in education, — but also the bright, the energetic, the mature. Public educational enterprises should be managed not primarily for the customer who is looking for a chance to toss his precious bundle under the counter and run out, but for the one who is determined to have the best in the store for his particular needs.

It must be conceded that the training in the choice of studies, like every form of training in independent action, leaves open some chance for error. The elective system does not pretend to stop all educational mistakes and wastes; but the monstrous prescribed mistakes and wastes of the old system it reduces to a minimum.

The objection is raised that the foolish pupils will choose “favorite teachers” in preference to necessary subjects; here is another chance for them to go astray under the elective system, although it must be admitted that to popular teachers this danger seems slight. How, indeed, can we have any faith in an objection which is founded on the necessary study fallacy? Beyond that foundation the objection contains nothing except a distinct merit of the new system, for the election of teachers is often more important than the election of studies. All honor

to the system which enables a boy or girl to escape a hated teacher, — a teacher who may instill in that particular pupil aversion to all study. Let him choose his “favorite teacher,” whatever the subject may be.

My personal experience in choosing a teacher regardless of the subject she taught is not exceptional. In the high school I elected a course in history for the sake of getting closer to the teacher. At the end of the year it would have puzzled me to remember what the course was about, except that some queen or other was or was not justified in killing some other queen, who was very beautiful. But one purpose I did grasp so firmly that it has not escaped: through the influence of that teacher I came to feel the value of a higher education and a life worth living. Shall we call that course a failure because I learned merely that I wanted to do something well? Or shall we deem it a wise system which allows the pupil to choose his favorite teacher?

SECOND MAIN ISSUE

We have now to consider the suggestions of those who seek for compromises between the elective and prescribed systems which will secure the good and eliminate the evil of both. The group system is suggested. It began by offering two courses, one called “classical” and one called “scientific.” Soon a “business course” was introduced, and, in many schools, an “English course,” so called apparently because it especially neglected English. The number of groups multiplied until in some schools (the Detroit High School is an example) nine courses were offered, — nine distinct groups. Most significant of all is the argument that the group system is not too rigid, since, by special permission, a pupil who has elected one group of studies may make substitutions from other groups. A good plan, indeed! But what has become of the system? When its only distinct feature, namely, the lines between the groups, is abolished, there is left only the elective system. The faults with the group system are that the units of choice are too large, and it attempts to enforce specialization. The tendency is always toward the multiplication of groups, — a happy tend-

**Refutation of
the Second
Negative
Contention.**

ency, say the friends of the elective plan, for a group system so far differentiated as to provide for the needs of each student is an ideal system. It offers the ideal programme, which must be an individual programme.

Another proposed plan is partial election. Prescribe the main substance and allow the pupil to choose the fringe. The main fault with this suggestion has already been discussed; to one who believes the propositions above defended, a system of partial election seems a farce. However important the trimmings may be, the student has a right to cut out the cloth of his education; he has a right to do this when he is hesitating, with a grammar school diploma in his hand, between earning a few dollars a week as an unskilled workman and entering the high school. Furthermore, elective and prescribed studies side by side are not easily compatible; each brings out the worst features of the other. "Prescribed studies, side by side with electives, appear a bondage; elective, side by side with prescribed, an indulgence. So long as all studies are prescribed, one may be set above the other in the mind of the pupil on the ground of intrinsic worth; let certain studies express the pupil's wishes, and almost certainly the remainder, valuable as they may be in themselves, will express his disesteem." These are the words of Professor George H. Palmer, in *The New Education*. Partial election will not suffice.

THIRD MAIN ISSUE

The third division of our issue concerns the effect of the elective system on teachers. It is notably good. Give the pupils a chance to choose, and you have given teachers a chance to see the effect of their work, and schools a chance of ridding themselves more easily of inefficient teachers. Under the prescribed plan, an intolerant, sluggish, unprogressive teacher is annually apportioned a roomful of victims, regardless of their mental attitude toward their persecutor. The elective system tends to force such a person to become a better teacher or leave the profession.

The elective system demands the devotion and sympathy of teachers and principals. It requires much conference among

teachers, parents, pupils, thus offering incentives to personal contact, which incentives are deplorably lacking under a fixed régime. The pupil sees at the start that his teachers, who are helping him to plan a course with his own highest interests in view, are true friends, worthy of his confidence and his gratitude. Far from being a *laissez-faire* policy, the free-choice plan demands the highest ability of teachers and increases their responsibility.

To good teachers this added responsibility means added pleasure. To come into more sympathetic relations with the adolescent mind, to become counselors and friends in the highest sense, to treat individuals always as individuals, — to do this is to gain the legitimate reward of every workman, joy in labor. The system which contributes most largely to this reward is the one which tends to abolish the worn treadmill, the taskmaster, and reluctant, forced pupils, — the system which discovers and respects the individual.

FOURTH MAIN ISSUE

We come now to the moral argument. At once we meet the drudgery theory which holds that it is good for boys and girls, who are naturally inclined to rebel against authority, to be compelled to do work which they dislike, in order to learn submission to the external order of things. Such is the conventional moral defense of prescribed studies. Many teachers are like bicycle dealers who should persist in offering nothing but solid tires, with the idea that pneumatic tires are immorally easy. Many schools are still run on hard tires.

The elective system is morally defensible because it honors the will and stimulates the interest, willingness, sense of responsibility, and enthusiasm of pupils as no compulsory system can. When a pupil is studying physics because he likes it, because of personal interests or mental aptitudes, he puts his heart into the work. In no other way can he make it excellent. Mechanical diligence, passive docility, unreasoning acceptance of commands, patient drudgery, — these may be fostered by the whip, as they were in slave ships of old; these may be cultivated in some pupils by the old prescribed curriculum. But the aim of modern education should be to replace

these qualities by spontaneous attack, interest, reasoning choice, enthusiastic work.

The elective system makes the student conscious of what he is doing, trains him in independent choice, and so uplifts his character. In pursuing his own ideal, there is moral worth, even though there be no pot of gold at the end of the rainbow; but in submitting to overwhelming force, there is no moral worth. Comenius told us all this long before it had practical application in our schools. He said: —

The attempt to compel nature into a course into which she is not inclined is to quarrel with nature, and is fruitless striving. Since the servant is the teacher, not the master or reconstructor of nature, let him not drive forcibly when he sees the child attempting that for which he has no skill. Let every one unhindered proceed with that to which, in accordance with the will of heaven, his natural inclination attracts him, and he will later be enabled to serve God and humanity.

A FIFTH AFFIRMATIVE CONTENTION

As a last argument in favor of complete election for the public high school, we may note its adaptation to several needs of modern democratic communities. First, it attracts more pupils to high schools and keeps them longer there. The emphasis on those studies usually deemed the foundation of a liberal education prevents the public high school from being truly public. If it is to belong to the people, it must serve them regardless of the demands of higher institutions. The public high school is not primarily to prepare pupils for higher schools. According to the latest report of the United States commissioner of education, of the total enrollment of American students, — public and private, elementary, secondary, collegiate, normal, law, medical, theological, technological, — 94.38 per cent were in elementary schools, 4.21 per cent in secondary schools, and 1.41 per cent in all the rest put together. Of every hundred pupils in America, ninety-four do not reach the high school; of every hundred high school pupils, only eleven are prepared for college. The public high school should aim to secure more than 4.21 per cent of the school population, and should provide primarily for the large majority of its pupils who will never enter higher schools. There should be laid out a straight road to college, but there should

also be roads leading to the various lives which various pupils are to lead. So much is commonplace.

"The higher education," said Lord Kelvin, "has two purposes: first, to enable the student to earn a livelihood, and, second, to make life worth living." An industrial democracy which neglects either of these functions fails to accomplish the purpose of education, — to make men and women as useful and as happy as possible, to prepare for "complete living." Consequently, in spite of the defenders of the classics, who warn us to beware the utilitarian spirit of the age, modern schools have discarded the programmes of ancient and mediæval times as wholly unsuited to the present needs of the majority of the people. To the 94 per cent of pupils who believe that they cannot afford four years at high school, something should be offered at the start which clearly will be of value to them in the coming life work.

"Complete election in the first year of high school surely increases the attendance. Evidence is on every hand. Two years after the introduction of the new system in the public high school at Galesburg, Ill., the school building had to be more than doubled to accommodate the applicants for admission. Formerly one pupil out of eleven in the lower schools entered the high school, and thirty-six graduated; two years later, one out of five entered the high school and ninety graduated. The one great cause of these increases was the elective system.

There is another important advantage of the elective system which is frequently overlooked. Many are kept in school through the entire course who do not take the college preparatory studies, but who afterward decide to go to college. The pupils thus influenced to continue their education would early have been driven out of school, had they not been permitted to elect a course which seemed to them suited to their needs.

Having already carried this paper to what may seem an unnecessary length, I shall not add a detailed conclusion. The sixfold argument in favor of the complete elective system in public high schools, which it has been my purpose to prove, is carefully outlined in the introduction. To that I refer the reader who desires a summary of the whole argument.

APPENDIX VIII

SPECIMEN DEBATE

“RESOLVED, that the United States government should inaugurate a movement to bring about reforms in the Congo Free State.”

FIRST SPEECH FOR THE AFFIRMATIVE

Speaking of the Congo Free State, Professor Hart says, “The whole thing is a scandal and a blot upon the civilization of the twentieth century. Considering the progress of sentiment upon the question of slavery, it is the blackest and most inexcusable case of the bondage of the negro for the benefit of a few white people, that ever occurred.” I purpose to devote my time to the consideration of three points: First, that slavery and atrocity must inevitably result from the system by which the government of the Congo State is at present carried on; second, that the actual condition of the natives is slavery of the most wretched and abominable sort, a condition which cannot and must not be prolonged; and, third, that Leopold II of Belgium, sovereign of the state, will not of his own free will rectify the system.

Now for my first point, that slavery and atrocity must inevitably result from the system in operation. At the system's head, with the guiding reins in his hand, Leopold rules the Congo State, with its twenty million of inhabitants and its eight hundred thousand square miles of territory, in much the same manner as, before the Civil War, a Southerner ran his cotton or rice plantation. No constitution, no parliament to restrain his action, which is governed only by his insatiable greed.

Now, in spite of his unctuous protestations of philanthropy, which sound rather peculiar in the mouth of the dissolute and tyrannical rake which the world knows Leopold to be, his

greed is self-evident. He has appropriated every square foot of land not immediately occupied by the native villages, land which he exploits, largely for his own advantage, either directly or by means of concessionaire companies, in which the state, i. e. Leopold, usually has one-half interest. His greed is self-evident, for, knowing the cruelty and oppression by means of which the produce of the state has been and is being extorted, accounts of which have recently been found in the state's official documents, he has repeatedly denied the existence of such cruelty, while at the same time pocketing and investing all over the world in his own interest enormous sums of money. M. Cattier, Professor of Colonial Jurisprudence at Brussels University, proves this conclusively. So much for the mainspring of the system, a monarch actuated by greed.

Next in the system come the principal officers of the state, who are either willing accomplices or mere tools in the hands of their master. And beneath them we find the agents of the government and of the concessionaire companies, men who, as the king's own commission of inquiry admits, are often of brutal and inferior character.

And at the bottom of the ladder we find the direct appliance by means of which the produce is extorted, the native army of the state and the black overseers of the rubber companies. Cunningly taking advantage of the savage enmity which exists between the tribes, Leopold places in every village members of a hostile tribe, who force the natives to bring in their produce. Added to their natural ferocity and hatred of their charges, these bloodthirsty cannibals are punished if they do not exact from the natives the required amount of produce.

Now given such a system, and what must inevitably result? Slavery, wretchedness, misery, and atrocity, in some cases fearful to relate. So much, then, for the system.

Now for my second point, that the actual condition of the natives is slavery of the most wretched and abominable sort. There can be no possible doubt upon this score. For years missionaries, travelers, sailors, officers in bordering states, have horrified the world with tales of unchecked cruelty and oppression. And now Leopold, forced by public opinion, has sent on a tour of inspection a commission of inquiry, and this com-

mission has corroborated everything. Before leaving Boma, President Jannsens of the commission publicly said, "I came here with the expectation of finding everything in perfect order. I had no idea that I should come in contact with such putridity."

Our opponents will doubtless tell you that Leopold has introduced the marks of civilization; that he has built a railroad, a telegraph system, some fine public buildings; that he has eighty steamers upon the Congo; that he has shut out the liquor traffic and exterminated the Arab slave trade. We admit it. He needs the modern improvements to facilitate his rubber collection. The powers forced him to promise to keep out liquor. These things are beside the question. It is the actual condition of the natives that we are discussing, and the king's own commission say they are surprised to find how little the effects of civilization have reached the natives.

Now, to come back to my point, — slavery. A condition of slavery exists, virtual if not nominal. Why do I call it slavery? Because the natives are deprived of their land and liberty of movement. The theory by which Leopold justifies his wholesale seizure of vacant land may be well enough, but even his own commission condemns its application. The report of the commission reads as follows: "There are no native reserves, and apart from the few rough plantations, which barely suffice to feed the natives themselves and to supply the stations, all the fruits of the soil are considered as property of the state."

Now what is the result of this policy? We see a people permanently deprived of their ancestral rights to gather the products of the forest, to hunt, and to fish, a people having lost all hope of acquiring land for their own use and all hope of trading for their own advantage, a people denied all healthful incentive for labor.

It is slavery because as food-producers, as porters but principally as rubber collectors, the natives are driven to labor for the greater part of their time. The collectors of rubber are obliged to devote to this compulsory service two hundred and eighty-six days out of the year. Think of it! As much time as was required on many a Southern plantation before the war.

The king's commission vouches for the truth of this fact. And yet Leopold boasts of his having exterminated the Arab slave trade, and exhibits to the world, as proof of his innocence, his beautiful code of laws, among which is that of November 18, 1906, which provides that the natives shall not be required to work on their taxes over forty hours a month. Forty hours a month, and they are compelled to work two hundred and eighty-six days out of the year.

Outrageous even as this is, there is worse to come. The condition is slavery because the natives are driven to their service by flogging and pillage and deprivation of their wives, by mutilation and murder of the most outrageous sort. As the commission admits, it is the rule of unrestricted force. And bear in mind how that force is applied. In every village the rubber collection is enforced by armed negroes, usually from hostile tribes, who need no urging from the unscrupulous agents to give free rein to their savage and inhuman passions. The Rev. Mr. Stannard, who proved before the commission cases of fearful atrocity, makes this general statement: "Defenseless women and children were shot down indiscriminately in order to strike terror into the hearts of these unhappy people, so as to make them bring rubber. This has been the normal condition of these people's lives for years. . . . If the system is continued, it will end in the total depopulation of the country."

The king's own commission makes this sweeping statement in regard to atrocities in the Congo: "None of the agents made any attempt to refute the charges brought against the sentries." In a preceding paragraph it says that these charges were multitudinous, and that their truth was borne out by a mass of evidence and official reports.

Oh, the misery and wretchedness, the pitiable suffering and constant depopulation which results! I could name the shocking decrease in population in village after village.

And the worst part of it is that *to-day* conditions are as bad as they ever were. I have in my possession an appeal of fifty-two missionaries, assembled at Stanley Falls, an appeal which reached us only a month ago. They say that conditions are to-day as bad as they ever were, that there are no signs of

improvement in the system, and that the natives are in danger of being wiped off the very face of the earth.

Now for my third point, that Leopold will not of his own free will rectify the system. Why? Because his motive is greed, and his system is a perfect instrument of extortion; because, as the official papers of the Congo State have recently brought to light, for years he has known of the horrors which have existed and has repeatedly denied their existence; because he published the report of his commission, repeatedly demanded by the world, only after eight months of delay and after the evidence on which it is founded had reached the public through other sources; because out of the new commission of fourteen members which he appointed to rectify matters, twelve are either officials of the state itself or of the rubber companies, the very men whose conduct is to be examined; because for years he has appointed commission after commission and made promise after promise, all of which have served to no purpose whatever.

In view of such facts, can we turn a deaf ear to the piteous calling of a miserable and outraged people, our brothers and fellow citizens of the world? In the name of humanity we answer No. Something must be done, and Leopold is not the man who will do it.

FIRST SPEECH FOR THE NEGATIVE

The gentleman has aroused our sympathy by citing alleged cruelties in the Congo Free State. We also deplore the grave wrongs which the simple and barbaric people have suffered in all parts of Darkest Africa. We are not one whit behind the Affirmative in our desire for the happiness and civilization of the Congo people. We certainly sympathize with the generous motives and humane purposes of the historic State of Massachusetts and especially of the Congo Reform Association, whose official head is one of the most progressive and public-spirited educators in progressive and public-spirited Massachusetts. And with any wise and safe movement which is clearly the most effective one for the relief of any who are suffering injustice, we most heartily sympathize.

But this very sympathy should warn us against hasty judgment. When a great nation, with grave and extensive responsibilities throughout its own hemisphere, proposes to interfere in the domestic affairs of a sovereign nation in the other hemisphere, thus abandoning at once its traditional policy, it behooves that nation to consider thoroughly and without passion the exact nature of such action. Therefore we must make absolutely sure of the precise scope and meaning of the proposition advocated by our opponents.

The Century and Standard Dictionaries say that "to inaugurate" means to make a formal beginning; that a "movement" denotes a course or series of acts in a specific direction; that "to bring about" means to accomplish.

But at the very outset the advocates of this proposition must face a very strong presumption against any such action, for on the 20th of February last, in a letter to Congressman Denby, of Michigan, Secretary of State Root, the official diplomatic head of this government, said that it is impossible for this government to inaugurate any such movement. To overcome the presumption created by this dispassionate official statement, the Affirmative must prove that the declared position of this government is wrong.

To do this they must explain at the very outset, in concrete terms, the exact nature and extent and force of this movement. Then, in defense of this movement, they must show first, that the Congo situation as a whole warrants the interference of this government. Nay, they must do more, they must show, in the second *placé*, that the evidence against the Congo is so authentic, so unanimous, so unprecedented, and so hopeless as to *demand* our intervention. Third, they must prove that their definite movement will be more effective than any movement already inaugurated, more speedy in operation and more permanent in results. Fourth, they must prove, contrary to the emphatic legal opinion of our highest authority on our international relations, that their exact movement can be legally inaugurated, and, fifth, that it will be expedient.

On the other hand, we admit that in about one quarter of the Congo territory some cruelties have occurred. But we contend that the United States government should not inaugurate this

movement, because — first, the evidence against the Congo does not demand the intervention of the United States government; second, the Congo government itself gives assurance of the necessary reforms; third, the Congo situation as a whole does not even warrant the intervention of this government; fourth, the United States cannot legally inaugurate this movement; and fifth, it would be highly inexpedient, both as regards our domestic interests and our responsibilities to the weaker nations of our own hemisphere.

First, then, does the evidence of my opponent demand the intervention of the United States government? In the absence of any first-hand evidence, — the only evidence on which, as Secretary Root well says, our government could act, — my opponent has quoted second-hand evidence such as that of the commission, Casement, and missionaries. We admit that some cruelties have occurred, but in the Philippines, within eight years, the United States herself has killed more than three thousand of these barbaric people, and only a few weeks ago shot down five hundred men, women, and even children in the maintenance of her rule. Can the United States then consistently demand that the Congo government, in a territory eight times as large as the Philippines and with a population four times as large, must establish peace, industry, and civilization without any conflict with the native population?

The commission, already quoted by my opponent as good authority, in the section of its report relating to taxation says that although abuses are not unknown in the regions operated by the state, even the missionaries testified to great improvement there, and that one said, "Everything is now going well in this region." In those regions exploited by the private companies, the commission found abuses which they condemn. But since they recommended reforms therein which are now being carried out, we maintain that the evidence of the commission does not demand our intervention.

Roger Casement, the English consul, reported that the one atrocity he thoroughly investigated and stamped as authentic was that of the boy Epondo. The Congo government, the commission of inquiry, and Protestant missionaries separately investigated this case, and they all say that Casement was

utterly deceived. If Casement was deceived in the one case he thoroughly investigated, his evidence on those he briefly examined is worse than useless and does not demand our intervention.

My opponent has quoted missionaries, particularly a complaint signed by 52 Protestant missionaries. Since this complaint is being circulated to create public sentiment, no doubt as many signatures as possible were secured. But the official reports of the Congo State say that there are in the Congo 211 Protestant missionaries, that is, 159 whose names do not appear on this complaint. This suggests a lack of unanimity of missionary evidence. In fact, in January, 1903, the British Baptist Missionary Society of London, the oldest and largest Protestant mission in the Congo, sent King Leopold this memorial:—

The committee of the British Baptist Missionary Society of London desire most respectfully to address Your Majesty as King-Sovereign of the Congo Free State, and to express their grateful acknowledgments for Your Majesty's gracious and helpful sympathy with all wisely considered efforts put forth for the enlightenment and uplifting of Your Majesty's native subjects living within the territory of the Congo Free State. In the prosecution of these labors, the committee of the Baptist Missionary Society desire gratefully to acknowledge the many signal and helpful proofs they have received of Your Majesty's approval and support.

Moreover, not one of the 380 Catholic missionaries has complained. On the contrary, Bishop Ronsle, Vicar of the Upper Congo, writes the *Catholic Herald*, February 17, 1903: "During the fifteen years I have been in the Congo never, neither I, nor so far as I know any of my missionaries, have been ocular witnesses to any act of cruelty, nor have even seen the effect of such an act." Again, on March 31, 1904, Mr. Maguire, an English Catholic missionary in the Upper Congo, writes the *Manchester Guardian*, "I have never seen or heard of any of the atrocities with which the agents of the Free State are charged." Thus we see that the missionaries, instead of being unanimous in their condemnation of the Congo, are absolutely contradictory.

Now, when only about 50 out of more than 200 Protestant missionaries have complained, and when not one of the 380

Catholics has done so; when, on the other hand, the oldest and largest Protestant mission in the country has publicly praised the King for his good-will and support, and when Catholic missionaries have denied the stories of cruelties, we maintain that the evidence of the missionaries does not demand the interference of the United States. Since the United States government has no first-hand evidence at all, and since the commission, the English consul, and the missionaries show no evidence sufficient to demand the intervention of the United States, it devolves upon the Affirmative to show us still further evidence.

In closing, let me ask our friends of the Affirmative: Will you show us evidence sufficient to demand this country's intervention? Will you show that this movement will be more effective than any already under way, more speedy in operation, and more permanent in results? Will you show that the Congo situation as a whole even warrants the intervention of this country? Will you show that this movement would be legal? And will you show that it would be expedient?

SECOND SPEECH FOR THE AFFIRMATIVE

My colleague has shown you that fearful and heart-rending atrocities are being committed in the Congo, that the system which is responsible for these barbarities is still maintained in all its essentials, and that under the present régime there is no likelihood of reform. Something must be done. It is our contention that the United States should inaugurate some movement which has a reasonable prospect of bringing about reforms. However, we do not imply that the United States be held responsible for the success of this movement.

It is my duty to prove: first, that international law permits a body of nations to take some action for reform in any state where an inhuman condition of affairs exists; and second, that the United States has a special responsibility, which demands that it take the first steps in such a movement.

History shows clearly that the United States was largely responsible for the creation of the Congo Free State. In 1876 a body calling itself the International Association of the Congo

was formed for the purpose of bringing the blessings of free trade and civilization to this unenlightened portion of the globe. Leopold II, King of the Belgians, was head of this corporation, really a private company whose members and officers were subjects of other states.

The corporation founded establishments, occupied territory, and obtained cessions from the native chiefs. During this early period the association acted as an agency for creating, fostering, and apparently superintending free native states in the Congo Basin, states which it promised to leave in complete independence. Although it had no other functions, it received recognition by the United States on the 22d of April, 1884. This was accorded it partly on account of the trade interests of this government, and partly because we desired to show our sympathy and approval of the humane and benevolent purposes of the association. The importance of this action cannot be overestimated. England, France, Germany, and Portugal were all greedily striving to get possession of the land occupied by this company. But the association, fearing that these advances would result in its death-blow, appealed to the United States. Thereupon the United States recognized the flag of this private company as that of a friendly nation. Even the supporters of this state admit that, in its founding and organization, it is different from any other nation in the history of the world. The United States had recognized a private company, a corporation practically in the control of one man, as a *de facto* government.

Before it is entitled to consideration as a state, a political community is required to have all the marks that denote sovereignty. They are independence, political organization, and permanence. This private company lacked these. Its citizens were subjects of other states. Its seat of government was in a foreign land. Its organization even was not complete until after it had been recognized by nearly all the powers. It was not a state, and never could have become so under ordinary circumstances. The real significance of this step may best be seen from the statement of Mr. H. M. Stanley, the discoverer of the territory, and one of the leading lights of the corporation. In his words, the recognition of the United States was

"the birth into new life of the International Association, menaced as it was by opposing interests and ambitions." This example was soon followed by the other powers, and thereby a private company was transformed into a full-fledged nation.

The action of the United States did not stop here, however. In 1885 a conference was held at Berlin to discuss measures pertaining to Central Africa. At this meeting the United States acted as sponsor for this private company. Mr. Sanford, our associate delegate, says that he was actively engaged outside the conference in promoting the settlement of conflicting claims of France, Portugal, and the association. Further, Mr. Kasson, the chief delegate of the United States, said officially: "The President of the United States wishes to see in the delimitation of the region which is to be subjected to this beneficent rule the widest expansion consistent with the just territorial rights of other nations." This evidence certainly proves that the United States stood sponsor for this company. To be sure, the act passed by the conference which provided for the welfare of the natives and for freedom of trade in the Congo Basin was not ratified by the United States. But this was on account of the wish to keep out of all territorial disputes in Africa.

A few months later Leopold was definitely made sovereign of the Congo. In 1889 the Brussels Conference took place. Again the United States showed lively interest. An act which provided for the suppression of the slave trade in this region was signed and ratified by the United States. However, the reservation was made that the United States did not assume any responsibility for territorial disputes in Africa. The Congo representative at this assembly made the conclusive statement: "The United States, on account of their generous moral support, guided the first steps of the Congo Free State."

In 1891 our government made a treaty with the new state which secured to us freedom of trade in all the Congo Basin. This treaty is violated, for privileges granted to the concessionaire companies make freedom of trade impossible. Technically, this gives the United States the right to take the proposed action; but we have no wish to place this movement on the plane of a mere technicality.

We openly admit that recognition, under ordinary circumstances, imposes no responsibility. When a political community has the mart of a state, it is entitled to recognition, and the power which first accords it is but acknowledging an established fact. It incurs no special responsibility. In the present case, however, the circumstance is extraordinary. Every nation that recognized this private company as a *de facto* government incurred a responsibility. The United States has the double responsibility of first setting the example for the other powers and then standing sponsor for the private company. This fact, this responsibility, is conceded not only by the United States, but also by a foreign government. Here is a statement made by the British under Secretary of State: "The United States bears a peculiar responsibility towards the Congo, because it was the first to recognize it as an independent state."

I have proved first, that international law permits a number of powers to take action for reform in any country where an inhuman system of affairs exists; second, that the United States should lead this movement because it has a peculiar responsibility, one recognized not only by ourselves, but by a foreign government.

Since the United States in 1884 inaugurated a movement whereby a private company was allowed to exert its iniquitous system of government over twenty millions of people, we maintain that to-day the United States should inaugurate a movement towards rectifying the resulting barbarities.

SECOND SPEECH FOR THE NEGATIVE

I wish first to analyze up to this point the arguments of the Affirmative and assign them for answer. As the Negative this evening presents a constructive case, it is necessary to assign the opposing arguments for answer to various places in our main speeches and in our rebuttal.

The first speaker on the Affirmative said, in substance, that nothing is being done to remedy conditions in the Congo. I shall show, a few minutes later, that this is not the case.

The second speaker on the Affirmative treated the issue of

international law; the third speaker on the negative will take up that subject. The second speaker on the Affirmative said also that the United States stands sponsor for the Congo Free State. I shall amply treat that subject. He also said that the freedom of trade in the Congo Free State has been violated. I shall soon show that such is not the case. My colleague has shown that the evidence against the Congo Free State does not demand United States interference. I shall show that the case does not even warrant United States interference, because, contrary to the assertion of my opponent, the Congo government itself gives assurance of necessary reforms.

In July, 1904, Leopold appointed an international commission of inquiry composed of Mr. Jannsens, Attorney-General of Belgium and one of her greatest lawyers; Baron Nisco, president of the Court of Appeals at Boma; and Dr. Schumacher, Councillor of State and head of the Department of Justice in the Canton of Lucerne, Switzerland. Leopold said: "The government has no other instructions to give the commission than to devote all its efforts to the complete and entire discovery of the truth." During their five months of investigation they acted so fairly and so judicially that Rev. John H. Harris, a most radical Congo agitator, said in the September, 1905, *English Review of Reviews*: "The commission impressed us all in the Congo very favorably; instead of making their investigation a farce, they made it a reality."

This commission recommended wise and specific reforms in the land system, the labor tax, the use of military force, and the Judicial Department, so comprehensive and so definite as to show that the effort to reform is sincere and sure. As they say in closing their report, "We have pointed out, without shielding any, all the abuses which have come under our observation." But they say, "The state will be able to carry out progressively the reforms we propose."

On the 30th of last October they reported to the king. The very next day Leopold appointed a new commission of fourteen members to institute these reforms, a commission of remarkable strength and honor. The president is Mr. Van Meldeghem, vice-president of the Supreme Court of Belgium. Other members are Mr. Edward Jannsens, Attorney-General

of Belgium and president of the first commission; Mr. Davignon, a former senator, now member of the Belgian House of Representatives; Mr. Ernest Nys, a very prominent authority on international law and a member of the Hague Tribunal, and ten other men thoroughly acquainted with the military, judicial, and commercial interests of the Congo peoples.

This commission, representing every interest, and whose integrity and ability is recognized throughout, and in many instances far beyond, their own country, have been actively considering the procedure necessary to put the proposed reforms into effect.

More than electing a commission whose personnel and whose findings satisfied even opponents of the king, more than appointing an executive commission of the ablest and most experienced men in his realm, Leopold has acted precisely as did France, according to the official correspondence of her State Department of February 11, 1906, in reforming the French Congo. The only difference is favorable to Leopold, namely, that the report of the French commission of inquiry was never made public.

Now, since Leopold instructed the first commission to learn only the truth and the whole truth; since they fearlessly reported whatever abuses they saw and "shielded none," but, as Mr. Samuel of the English Parliament recently said, "rendered an honest judgment"; since Leopold has appointed a second body thoroughly qualified to institute the reforms proposed by the first commission; and since in all this he has acted precisely as did France in her Congo possessions, I maintain that United States interference is not demanded.

On the contrary, fair play demands that the United States refrain from intervention at this time, just as fair play prompted the policy of Great Britain on this very question of Congo intervention. In the House of Commons, February 21, 1906, that policy was thus stated by Mr. Runciman, speaking in behalf of the Secretary of State for Foreign Affairs: "Before taking any fresh step, His Majesty's government must await the results of the second commission at Brussels." Why should the United States do otherwise?

Our policy even in the flagrant Cuban case was fair play.

Before President McKinley would interfere, he said, "It is honestly due to Spain that she should be given a reasonable chance to prove the asserted efficacy of the new order of things." Fair play justly restrained intervention in Cuba, right on our very threshold, where our own numerous interests were being destroyed, until it was absolutely clear that Spanish reform was a failure. Intervention came then only through the destruction of a United States battleship and three hundred American lives. Why, then, in the Congo State, four thousand miles across the sea, where Secretary Root declares all American interests are scrupulously protected, should we turn back on our policy of fair play?

The situation does not even warrant United States interference, for the Congo State has not violated any international obligation; and, even in the event of such violation, the United States could not interfere.

The Affirmative attempts to show that various provisions of the Free State government violate the Acts of Berlin and of Brussels. They contend that an alleged monopoly of trade violates this Berlin Act. But according to the Berlin Act itself, and the practice of other nations in the Congo basin, besides the definitions in treaties with Germany, Great Britain, France, Portugal, and the United States, "freedom of trade" in this connection means that there should be no differential treatment of one nation over another, not that the Congo government shall have no right to dispose of its own products.

The Affirmative contends that the provision of the Berlin Act for native civilization has been grossly violated. Is this true? They say that land grants are refused to religious organizations. But, according to the *Missionary Review* of May, 1903, there were in the Congo 112 grants of land to 8 different missionary societies. According to the *Missionary Review* of May, 1905, the Roman Catholic mission alone had 400 priests, 641 churches and chapels, 523 chapel-farms, 3 secondary schools, 75 elementary schools, 440 preparatory schools. The United States consular reports for 1905 give 27 hospitals, 523 lecture halls, 1505 chapels, missions, and churches.

Furthermore, for the protection of the natives, the Congo government has appointed, in the official decree of Septem-

ber 18, 1896, from religious associations, a commission with powers of complaint, recommendation, and protection, and has instructed the authorities at Boma to act upon the information given by this commission. Right here I refer you again to the glowing tribute of the British Baptist Missionary Society in January, 1903, praising Leopold for his gracious sympathy with all efforts for native enlightenment, and acknowledging many signal and helpful proofs of his approval and support.

Finally, the Congo State, as my opponent just admitted, has destroyed the slave trade and has absolutely stamped out the liquor traffic, even at the cost of rich revenue. As missionary George Grenfell is forced to admit: "I saw the fall of the Arab (slave trader), and I saw the door closed against strong drink." Thus we see that instead of wantonly violating the civilization provision of the Berlin Act, the Congo State has with success upheld it in good faith.

So, to conclude this point, it is clear that the Congo State has not violated any international obligation either in its trade system or its civilization, and that the situation as a whole does not even warrant interference by our government.

Moreover, if these acts had been violated, which I have shown is not the case, we would not be warranted in interfering, for the reason that our reservations take away that right. Our opponents are wrong in contending that the United States is sponsor for the Congo State. I quote from the protocol of the Brussels Act: "The United States, having neither possessions nor protectorates in Africa, hereby disclaims any intention to indicate any interest whatsoever in the possessions or protectorates established or claimed on that continent by the other powers."

And Hon. John A. Kasson, United States delegate to the Berlin Conference, in his letter quoted in the Boston *Transcript* of April 17, 1906, says: "The United States, through the failure of the Senate to ratify the Berlin Act, failed to become a party to the contract, and only the contracting parties have the right to insist upon the due observance of all the clauses of the contract." Clearly, then, the United States officially and deliberately refused to assume the special right to interfere.

Therefore, we by no means stand sponsor, as our opponents contend, for the Congo Free State.

To sum up: I have shown that because the Congo government itself gives assurance of the necessary reform, the situation does not demand United States interference; nay more, that fair play demands that we do *not* interfere; I have shown that because the Congo State has violated no international obligation, and because we are bound by no such obligation, we are not even warranted in interfering.

My colleague will show that such a movement as the Affirmative proposes would be illegal and highly inexpedient.

THIRD SPEECH FOR THE AFFIRMATIVE

My colleagues have proved that conditions in the Congo Free State, better called the Congo Slave State, demand immediate reforms, and that King Leopold will not make these reforms of his own initiative. We have proved that international law gives the nations a right to take action, and since it first recognized and acted as the moral guide of the Congo Free State during the first years of its existence and thus helped to transform it from a strictly private company, without the mark of a state, into a full-fledged state, the United States is therefore under the obligation to start the movement for reform.

The African Association, in asking recognition, promised that it would protect and civilize the natives. These promises in large measure led the nations to make this private company into a state. These promises have not been kept. Present conditions show it. Therefore, the United States, which led the way toward the realization of these promises, is under the obligation to start the movement for the correction of the evils brought about through the breaking of them.

All the officers of the African Association, in asking recognition, professed that the object of the society was philanthropic. Sanford, the agent of the company to America, in asking recognition, officially declared to the United States that the object of the society he represented was that of civilizing natives. The representative at Berlin announced to the

assembled nations that Leopold's exclusive mission was to introduce civilization and trade into Africa. In the declarations exchanged with England, the African Association said its purpose was to promote civilization and commerce in Africa. And Leopold himself declared, "Our only programme, I am anxious to repeat, is the work of moral and material regeneration."

Largely because of these promises the nations, led and influenced by the United States, recognized Leopold's flag as that of a friendly nation, and placed in his hands the care of twenty million natives for their civilization. Had there been no recognition, there would have been no Congo Free State, and accordingly no extermination of natives. Of these natives, mind you, the powers declared themselves the official guardians at the Berlin Conference. The influence of these promises upon the powers can be easily seen in the fact that every nation at the Berlin Conference, in speaking of the association, said that Leopold was dominated by a purely humanitarian purpose. President Cleveland, in his message advising recognition, said, "The objects are philanthropic." The Senate committee, in urging recognition, held exactly the same view. Secretary of State Frelinghuysen told that committee that he had been notified that it was the ultimate aim of the association to leave the natives as free states, self-governing and independent. He therefore advised recognition. Sir Edward Grey, the famous English Parliamentarian, said in Parliament that the nations recognized this private company because it was a possession established in the interests of philanthropy and free trade, because they were actuated by a real generous motive to see civilization spread. Our whole attitude is summed up in the words of our representative at Berlin: "The United States in recognizing this company believed it acted in the common interests of civilized nations, and that the natives might learn from it that the dominance of the white man means for them peace and freedom as well as the development of free and useful commerce."

King Leopold has broken these promises. Present conditions show it. The natives are in practical slavery. The king's commission of inquiry proves it. He has deceived the

nations, he has not fulfilled the trust placed in him by the powers. The defenseless natives are suffering the terrible consequences. The deceived nations have therefore the moral right to take action. They are furthermore under the obligation to do so, because the non-enforcement of this right means the continuance of these atrocities.

Finally, as we have seen, the United States is under special obligation to start this movement for reform. Again, the United States should inaugurate this movement, because it is the only power which can do so with reasonable hope of success. England cannot do it. She attempted to get the nations to take joint action, but failed. And why? Earl Percy tells you why in a speech made in Parliament. "We are quite aware," he says, "from information received from the foreign press, that these philanthropic crusades are ascribed to motives of hypocrisy, if to nothing else." Everybody thought that England was trying to get more land. The defenders of the Congo Free State, among them Mr. Wack, the author of the most recent book defending the Congo, an expensive one, which is being distributed free of charge all over the country, bitterly attacked England on this ground. For this reason, England failed. A similar movement on the part of other great European powers must fail also, for they are in the same circumstances. They have territories in Africa adjoining the Congo. Since this is true, the United States is the one to act, the one to start this humanitarian movement. It is the only nation whose action will not be regarded with suspicion, but will gain the coöperation of the other nations: first, because it is the only great power with any responsibility in the Congo, which has no land and does not want any land in Africa; secondly, because it has always maintained an active humanitarian interest there, especially, as you have seen, in the Congo Free State. As proof of this interest, there is the statement of the Senate in advising recognition: "Our attitude toward Africa is exceptional, and our interest there is enhanced by the fact that one tenth of our population is descended from the African race." As further proof, consider the statement of the United States Minister at the Brussels Conference. "In sending a representative to this assembly," he says,

“the United States has wished to show the great interest it feels in the work of philanthropy which this conference seeks to realize. Our country must feel beyond all others an immense interest in the work of this assembly.” And the work of this assembly, mind you, consisted in providing for the welfare of the African natives, of whom the inhabitants of the Congo Free State are the majority. With these facts in mind, honorable judges, you must conclude that the United States has a strong humanitarian interest in Africa. Any statement or treaty interpretation of our opponents to the contrary must be false.

Consequently, if the United States starts a movement, the world will not say we want to extend our territories. We have none to extend, nor do we want any. The world will say, however, that we are actuated by this selfsame humanitarian interest in Africa displayed in the past. The nations will therefore receive it with greater favor. They will be more likely to coöperate with us. The United States should, then, inaugurate this necessary movement for reform in the Congo, because it is the only great power that can start one with the hope of success.

Instead of violating the Monroe Doctrine, as our opponents would have it, such action by the United States will agree with our policy toward Africa, since it involves no territorial disputes, but only aims at the betterment of conditions which we have been largely instrumental in bringing about. To repudiate this policy by inactivities now would be wrong. Furthermore, do not think for a moment that we are alone in our contentions. Bear in mind that petitions for action are flooding Congress, that reform organizations are springing up all over the country, and that Governor Guild, supported by the Council and Legislature of Massachusetts, the most conservative state in the Union, called for action by the President.

We have treaty rights in the Congo, granting us free trade. This treaty has been violated. This violation would give us a legal right to start a movement, if we cared to assert it. But we place this movement on a higher plane than that of mere material interests, of dollars and cents, — upon a higher plane than that of mere technicalities of the law, of violations of

treaties. We base our contentions on the rights of outraged humanity.

Something must be done at once. International law gives us the legal right to take action. We have proved that broken promises and unfulfilled trust give us the moral right and obligation to do so. Since the United States started and lent a powerful influence to the movement which created the Congo Free State, out of a private company, it is under the obligation to start a movement for the correction of the evils for which it thus became in a large measure responsible. The United States should inaugurate this movement, because it is the only power which can do so with reasonable prospect of success. Such action by the United States is not only in accordance with its past humanitarian policy toward Africa, but is demanded by its peculiar moral responsibility in the very existence of the Congo Free State.

THIRD SPEECH FOR THE NEGATIVE

To continue the case of the Negative, let us have a little more light on international law. The Affirmative ask whether, under the general provisions of international law, the United States government has not a perfect right to interfere officially in the internal affairs of the Congo Independent State? Now the only plausible ground in international law is the alleged right of one nation or a number of nations to prevent gross tyranny on the part of another nation against its subjects.

We of the Negative believe that international law, both in principle and practice, so far condemns the action called for by this question, that it would be highly impracticable, if not impossible, for us to take steps to interfere. Mr. Wharton, on page 202 of his work on this subject, says: "It is not permissible for one sovereign to address another sovereign on political questions pending in the latter's domains unless invited so to do." Mr. Hengstler, in volume i of the *California University Chronicle*, basing his argument largely on Hall's *International Law*, says: "As long as the independence of states is a principle of international law, it cannot be perceived how the limits of legal intervention can be extended beyond the scope

of the self-interests of the intervening state." Mr. Lawrence, in his *International Law*, lays down this principle: "So prone are powerful states to interfere in the affairs of others, and so great are the evils of interference, that a doctrine of absolute non-intervention has been put forth as a protest against incessant meddling." Thus we see that the principle of international law is directly opposed to the course of action advocated by the Affirmative.

Furthermore, international law, as put into practice by our government, rigidly adheres to this principle. The persecution of the Israelites in 1878 by the Morocco government, for whose relief a great cry went up in this country, is a case closely analogous to the one at hand. I quote from the letter of Secretary of State Evarts to our Minister at Morocco: "No official interposition in behalf of Israelites can be sanctioned, as this would be improper in itself, and would be a precedent against us which could not be gainsaid." Another case is that of the Russian Jews in 1882, when much sympathy was expressed in our country, with the demand for intervention. I quote Secretary of State Frelinghuysen to our Russian Minister: "However much this republic may disapprove of affairs in other nationalities, it does not conceive that it is our right or province to intermeddle."

Thus we see that both the principle and practice of international law makes it — I will not say impossible, for it would not be impossible for King Leopold to interfere in this country to prevent lynching of negroes in our South — but international law creates a strong presumption that it would be highly impracticable for our government to interfere in the Congo.

We come now, ladies and gentlemen, to a very important part of the Negative case, which is that the action advocated by the Affirmative would be inexpedient; inexpedient in view of our traditional position before the nations; inexpedient because it would impair our internal and foreign interests.

In the first place, any interference in the internal affairs of the Congo Free State would be directly opposed to the foreign policy of our nation both past and present. Washington laid the foundation of our foreign policy when, in 1797, he said: "It must be unwise for us to implicate ourselves by artificial

ties in the vicissitudes of European politics." President Monroe reiterated this same policy when he said in his message to Congress in 1823: "Our policy in regard to Europe remains the same, which is not to interfere in the internal concerns of any of its powers." Henry Clay in 1828 said: "The government of the United States scrupulously refrains from taking part in the internal dissensions of foreign states." Secretary of State Seward in 1863 maintained: "Our policy of non-intervention in the internal affairs of sovereign states has become a traditional one, which could not be abandoned without the most urgent occasion, amounting to a manifest necessity," — which necessity surely does not exist in the Congo situation, since, as Mr. Root says, "Our interests there are scrupulously guarded."

But directly bearing on this Congo question comes President Cleveland's statement in the year 1885: "This reserve to give plenipotentiary powers to our delegates at the Berlin Congress was due to the indisposition of this government to share in jurisdictional questions of remote foreign territories." And finally, Theodore Roosevelt, through his Secretary of State, John Hay, in defining the ground on which our nation becomes a party to the Hague Convention, says: "Nothing contained in the convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions, or policy, or internal administration of any foreign state." Thus, if this government takes the step which the question proposes, our nation will be stamping beneath its feet a foreign policy which is the fruit of over one hundred years of wise and consistent statesmanship.

Continuing, let me allude to the inexpediency of the proposed action in connection with our domestic well-being and our foreign interests. Within our country to-day we have a negro problem, significant of which are frequent lynchings in our South, quite as barbarous in their nature as alleged atrocities in the Congo; we have our way of escape from machine politics, our railroad tariff, and insurance problems, our trust evils, a coal strike which is significant of the great struggle within our country between capital and labor, a San Fran-

cisco earthquake. These are problems which affect the internal welfare of our nation, and the Negative believes that it would be better for both our people and our government to bend their energies to the solution of these, and to leave to Europe and Africa the solution of all their internal problems.

Yet the Affirmative cannot accuse our nation of having no generous feeling for the world outside. Our foreign interests include work of colonization in the Philippines, which task is by no means easy. We are building a canal across the Isthmus of Panama, and our government, by its strict adherence to our so-called Monroe Doctrine, has recently assumed the work of collecting the debts owed by Santo Domingo to European powers, while it constantly behooves our government to watch over and maintain against foreign aggression the integrity of fifteen more or less irresponsible South and Central American republics.

In view of this world's work already assumed by our nation, it seems to us that our true duty rests in the performance of such, and that we should not take steps towards interference in the Congo Free State, since, as President Monroe said, only by reason of our avowed policy of non-intervention in the internal affairs of the Old World can we hope to protect the weak states of America.

Now allow me to set before you the exact situation which the debate presents at this moment. Have our opponents convinced you that the United States government should formally begin a movement with its intent and purpose that of interfering in the internal affairs of the Congo Free State? If they have, they must have settled in your minds a number of issues which are absolutely essential to the establishment of their case. They must, before all else, have proved that the evidence against the Congo situation as a whole is so authentic, so unanimous, so unprecedented, so hopeless, as to demand interference from the outside, and that the situation warrants such interference on the part of the United States government.

Next, they must have defined the nature and extent and force of the movement which they would have our government inaugurate, and they must have satisfied you that such a move-

ment would be more effective and speedy in its operation than the movement King Leopold has already started. They must have proved, contrary to the statement of Secretary Root, that our government can legally take steps to interfere in the Congo. Furthermore, they must have shown that the action which they advocate, in that it would not seriously impair the promotion of our own domestic and foreign interests, would be expedient. Failing to prove these essentials, they fail to establish their case.

On the contrary, we have shown that the evidence against the Congo, that of the missionaries, of the English consul, Roger Casement, and of Leopold's commission does not demand the interference of the United States. We have shown that the situation as a whole does not demand intervention because — by sending a fair commission down there to investigate conditions and to suggest reforms, and then by doing precisely as the French did in reforming the French Congo, namely, appointing a well-balanced commission to put the proposed reforms into effect, Leopold himself gives reasonable promise of reform. Therefore, at this time especially, fair play demands that our government should refrain from interfering. We have shown that the situation does not warrant intervention, because the Congo State has not violated its international obligations in land policy, freedom of trade, or civilization. Furthermore, we have shown that both the principle and practice of international law creates a strong presumption against the proposed action, and that our government by taking steps to interfere in the internal affairs of this independent state in Africa would be throwing to the winds a foreign policy which our ablest statesmen, both of the past and present day, maintain as essential to the promotion and conservation of our domestic well-being and our foreign interests.

These are the arguments which the Negative have submitted to you against the action called for by this question, and which, taken together, we believe create so solid a wall of presumption against such action, that all the opinion and all the appeal to passion of our opponents fail to justify our government in taking steps towards interference in the internal affairs of this African state.

FIRST REBUTTAL SPEECH FOR THE NEGATIVE

It is especially essential in a debate of this character that all our evidence be firmly substantiated. The case as it stands clearly puts Leopold on trial for alleged murder in the Congo Free State. Such being the case, we cannot depend for our verdict on any but the surest and strongest evidence. The great fault of the evidence thus far presented by the gentlemen of the Affirmative, if I may call it a fault, is their unsupported assertion. They say that the situation in the Congo State is worse than slavery; but to prove that, they must make a comparison of slavery with the conditions in the Congo Free State. This they have not done. "We know Leopold to be a tyrannical rake," they say. They have not proved it. "His greed is self-evident," they say. We cannot accept their word for it. They offer us evidence drawn from a state of affairs "too fearful to relate." If that evidence is "too fearful" to be presented in this debate, it surely cannot be allowed to play any part in our decision. "The conditions of the natives' slavery are of the most abominable sort; on this point there can be no doubt," says the Affirmative. Here again the condition of comparison, to determine what is "the most abominable sort," is entirely lacking; and in regard to the question of "doubt," I have already shown that even anti-Congo agitators admit that slavery has been practically stamped out. These are a few evidences of unsupported assertion, and there are many more in our opponents' arguments.

They choose to find fault with Leopold's method in reforming the Congo; they say that he appointed "a commission of his own choosing." I wish to ask who *should* choose this commission if not Leopold; we cannot yet rightfully consider the reform of the Congo as any one's business but Leopold's own. And right here I wish to point out that the Affirmative, in questioning Leopold's choice of a commission, beg the whole question at issue in this debate; for at bottom the question we are trying to decide is whether the United States can rightfully concern itself in any way whatever with any act of King Leopold in his position as sovereign of the Congo State.

The Affirmative tells us that the natives are obliged to devote 286 days in the year to rubber-collecting; they say the commission's report admits this. But nowhere in this commission's report does any such statement appear. We are told, further, that at the same time Leopold ordered investigation of alleged bad conditions, he sent his agents secret orders to increase the rubber supply. How are we to know that there was such a "secret order" without some substantial proof? But the Affirmative have given us nothing but their assertion. As evidence this is useless.

Our opponents hold that Leopold will not reform the Congo because he personally receives a large part of its revenue. He pockets all the money, they say, of the Congo State. If this statement were true, there might be some ground upon which to base an argument that Leopold is not the proper man to reform the Congo. In rebuttal of this, I present the testimony of Consul-General Whiteley, as it appears in *The Story of the Congo*, by Mr. Wack, a New York lawyer. "The king receives no revenue from the Congo government. On the contrary, the state owes its very existence to the generosity of the king, who advanced several million dollars to keep the government going in its early struggle for existence." Mr. Whiteley further says: "It is true that there are in the Congo extensive crown lands, the revenue from which belongs to the king, but His Majesty refuses to take the money or land, but turns the money into a fund for the encouragement of science; he does not even manage the fund himself, but has placed it in the hands of three trustees." So we see that Leopold does not receive revenue from the Congo, and that the Affirmative contention that Leopold is the wrong man to control reform is without effect.

I shall treat briefly the Affirmative contention that freedom of trade is violated in the Congo, as I promised to do. Baron Laubermont of the Berlin Conference explained the freedom of trade provision of the Berlin Act as follows: "It refers *exclusively to traffic*, to the unlimited power of every one to sell and to buy, to import and to export. . . . No privilege can be created *under this head*; opportunity remains open without any restrictions, for free competition *in the domain of com-*

merce." . . . Now this *domain of commerce*, as Baron Deschamps conclusively shows in his book, *New Africa*, to which I refer you, is obviously outside the domain of state lands, the products of which the state has a perfect right to dispose of as it sees fit in order to meet colonial needs. It follows, then, that any regulations the state may impose in regard to state lands can in no way interfere with freedom of trade in the *domain of commerce*, outside the domain of state lands.

My colleagues will refute other leading contentions presented by the Affirmative.

FIRST REBUTTAL SPEECH FOR THE AFFIRMATIVE

My opponent has questioned my evidence. He says that because I have quoted only fifty-two of the two hundred or so Protestant missionaries in the Congo, it is evident that the remaining one hundred and fifty would probably testify in a contrary manner. We fail to see the logic of his reasoning, especially since I have in my possession the incriminating evidence of missionary after missionary whose names were not signed to the plea I have quoted. And why did not the others sign? Because the plea was signed at a recent convention at Stanley Falls, and the missionaries are scattered over an immense territory. The great distance from the place is sufficient excuse for those who were unable to come.

My opponent says that the Catholic missionaries in the Congo do not back up the testimony I have quoted. Now why? Because they are one and all Belgians and Leopold is their king. Naturally their allegiance calls upon them to shield him.

Now we rely for our evidence mainly on the report of the king's commission. Let me call your attention to the fact that my opponent admits the validity of this report. His only objection to it is that it covers but about a quarter of the territory in question. That is true. But bear in mind that the other three quarters of the state is entirely closed to the world. The commission covered that part of the territory which is in closest touch with civilization. Yet the rubber collection is carried on throughout the whole state. If this collection is attended by such horrors as I have shown in that part closest

to civilization, what must be the condition in that section into which civilization has not entered!

In reading the report of the king's commission, we must remember that the three members who composed it were personal friends of Leopold, two of them being Belgians. Naturally they would try to see all the mitigating circumstances possible. But when it comes to a question of fact, they can only say that they were surprised to find how little the effects of civilization had reached the natives. And in the words of President Jannsens of the commission, "I came here expecting to find everything in order. I had no idea I should come in contact with such putridity as I have found." To quote directly from the report, "They (the missionaries) brought before us a multitude of native witnesses, who revealed a large number of crimes and excesses alleged to have been committed by the sentries. . . . They killed without pity all who resisted their whims. . . . The truth of the charges is borne out by a mass of evidence and official reports."

My opponent objects that the commission nowhere says that the rubber collectors are obliged to work two hundred and eighty-six days out of the year. He is right; but this it does say: "This explains the dislike of the native for rubber gathering, which in itself is not at all severe. In the majority of cases he must make a journey every fortnight which takes two or three days, sometimes more, in order to reach that part of the forest where he can find, in sufficient quantity, the rubber vines. There for a certain number of days he leads an uncomfortable existence. He must construct for himself a temporary shelter, which certainly cannot take the place of his hut; he does not have the food to which he is accustomed, he is deprived of his wife, and is exposed to the inclemency of the weather and to the attacks of wild beasts. He must carry what he has gathered to the state posts or to the company, and not until then does he return to his village, where he can tarry only two or three days before the time for the next delivery is close at hand. It therefore appears that, whatever his activity in the rubber forest, the native, because of the number of moves which he must make, sees the greater part of his time taken up in the gathering of rubber." Three days at the most, at home during a fort-

night. Twenty-four fortnights a year multiplied by three gives us seventy-two days which he has at home. Subtract seventy-two from three hundred and sixty-five and we get two hundred and ninety-three days during which the natives are obliged to labor. We have given Leopold a week's leeway.

Certainly we need no further evidence than that furnished by Leopold's own commission for proof of the intolerable conditions in the Congo State.

SECOND REBUTTAL SPEECH FOR THE NEGATIVE

Our friends of the Affirmative insist upon picturing conditions to you as being very atrocious, in that part of the Congo territory where we have already admitted that conditions are bad, and where we have shown you that Leopold himself gives reasonable promise of reform.

On the 11th of last February, Secretary of State Root said that the United States cannot legally take steps to interfere in the Congo Free State. The Affirmative says they can; yet they have not defined the nature and force and extent of the movement they would have our government inaugurate. They say Leopold can do nothing; then they immediately proceed to say that we should do something, but they do not say what we can do. Why does Secretary of State Root insist that we cannot take steps to interfere in the Congo? He based his argument on our foreign policy, and on international law.

I will quote two authorities on international law, which are more favorable to the Affirmative's case than anything they themselves have advanced. Mr. Lawrence says, in his *International Law*, page 132: "Intervention on the grounds of humanity, in exceptional cases, has a moral, though not a legal justification." Mr. Hall says practically the same thing.

But these authorities plainly state that circumstances must be very exceptional, — that gross tyranny must reign unchecked. As Mr. Lawrence says, "Such interference should be watched with the utmost jealousy." But is the situation in the Congo exceptional in the extreme? It is not, for the clearly defined reasons which we have given.

Our first speaker pointed out the fact that these evils are

not universal, because they do not exist in three fourths of the Congo Free State; that the testimony of the missionaries is contradictory, because only fifty-two out of two hundred missionaries signed the petition quoted by our opponents, and because the reforms have been praised by many merchants and travelers, who characterized many of the reports as gross exaggerations.

Second, as the Negative has pointed out, there are a certain number of isolated cases of abuse bound to exist in any civilizing venture, a fact to which we must, with sorrow, assent, when we think that only a few weeks ago it was necessary for our own soldiers, in the name of our eighty million liberty-loving people, to shoot down in the Philippines five hundred Moros, men, women, and children.

Interference is not justifiable because, as we have shown, the Congo State has not violated its international obligations, either in land policy or treaty arrangements, which are almost identical with those of the French and German governments with their dependencies. As civilization has advanced, the conditions of the Congo Free State have improved. As our opponents have admitted, the slave trade has been destroyed; the liquor traffic has been kept down; religious organizations have been created; missions of all creeds have been formed. We have proved that educational and industrial institutions have been established in large numbers. Furthermore, King Leopold himself has set on foot a movement to remedy such evil conditions as exist at the present time.

As the Negative has shown, reforms may be seen in certain sections of this territory; and in the method of reform Leopold has done exactly as the French did, when their king sent one commission to investigate the affairs of the French Congo and then sent another commission to put the suggestions of the first commission into effect. Leopold, immediately upon receiving the report of his first commission, appointed a second commission to investigate the report of the first commission. Our opponents have just complained because Leopold did not give out the report for eight months. But the French did not give the report to the world at all. And I think that possibly, if we sent a commission out to the Philippines to investigate condi-

tions there, we might not give out the report the same day it came to us. Possibly we might not give it out at all; and possibly we might tell the world that we would do our own work, and advise other nations not to interfere.

SECOND REBUTTAL SPEECH FOR THE AFFIRMATIVE

Our opponents have utterly ignored one of the principal reasons why the United States should inaugurate this movement for reforms, the importance of the recognition by the United States. All the writers on the subject are agreed that the action of the United States was one of the determinant factors in the creation of the Congo Free State. Let me quote two or three authorities. Mr. Fox Bourne, a severe critic of the Congo, says, "It was on the strength of the recognition by the United States that the International Association assumed the dignity and power of a civilized state." Deschamps, the ablest of all the pro-Congo writers, devotes several pages of his most recent book in showing the importance to the Congo of this recognition. And finally, Mr. Rose, a leading historian and an impartial writer, says in his recent work, "The United States played an unusually important part in the creation of the Congo Free State." All are agreed, then, that the United States is largely responsible for the existence of the Congo to-day. Reforms in that country are necessary. It is obvious that some nation must inaugurate the movement, and the country which should do this is the one that is peculiarly responsible for the creation of that state. This responsibility rests upon the United States.

The sponsorship of the United States has been questioned by our opponents. If the United States did not act as sponsor for the Congo, why did she choose Mr. Sanford as her delegate, a gentleman who had formerly been a member of the International Association? Why did the associate delegate of the United States make the statement that, as the Congo had no delegate at the Berlin Conference, he brought up two protocols which were passed upon by the conference? Why did the American Baptist Missionary Union write to Mr. Kasson, "We have learned with lively personal satisfaction, not to say

with a sense of national pride, how ably, intelligently, and effectively you have supported the humane and benevolent policy of the International African Association"? Surely, these facts show clearly that the United States did act as sponsor for the Congo Free State at the Berlin Conference.

The Negative have maintained that international law does not allow the United States to interfere in the Congo. But practically all the authorities admit that a concert of nations has the perfect right to take action on the ground of humanity. Bluntschli says, "The action of the Christian powers of Europe in favor of the Greeks affords a further illustration of the principle of international law authorizing such an interference, not only where the interest and safety of other powers are immediately affected by the internal transaction of a particular state, but where the general interests of humanity are infringed by the excesses of barbarous and despotic government." Calvo and Fiore think "that states can interfere to put an end to crime and outrageous slaughter." Mr. Hall, on page 291, sanctions this right. Vattel considers it "permissible to succor a people suppressed by its sovereign." Thus I could quote authority after authority sanctioning intervention. Our opponents have admitted that a few international law authorities permit interference in extraordinary circumstances. We have already shown you that the situation *is* extraordinary, and after showing you that practically all of the noted international law authorities sanction such a movement as we propose, we again affirm that the United States should inaugurate a movement for reforms in the Congo.

THIRD REBUTTAL SPEECH FOR THE NEGATIVE

In opening this debate for the Negative, I showed you that the Affirmative must prove not only that a movement is demanded because of exceptional evils, but also that some definite movement is possible. And what have they done? This debate is about to close, and they have devoted the greater part of their time — in fact, almost all of it — to showing that the conditions down there demand reform. It is one thing to say vaguely that something should be done, but it is

far different to show the concrete thing that the United States can do and must do.

The gentleman just said, "We believe we should inaugurate a movement by calling on the powers"; but you remember that, a little while ago, our opponents said that the other powers had tried to inaugurate a movement and failed. And why? Because they had selfish interests down there. What in the world is he going to do, now? Call upon the powers, he says. Why, his own colleague proved that the powers had failed, and must fail in any attempt to reform. Their suggestion to call upon the powers to start a movement is, therefore, not only inconsistent, but it is not a fair or comprehensive interpretation of the proposition they are here to defend. For their suggestion would be simply an inauguration of an inauguration of a movement, and not an inauguration in the meaning of the question.

Now, to conclude, a careful analysis of all the speeches this evening on both sides shows that the decision in this debate must be made on five distinct issues: —

First. Does the evidence of evils demand our intervention?

Second. Does the Congo government itself give reasonable assurance of reforms?

Third. Does the Congo situation as a whole warrant our intervention?

Fourth. Could we legally inaugurate this movement?

Fifth. Would it be expedient?

In the first place, the Affirmative, lacking first-hand evidence of our own government, has submitted second-hand evidence. This we have shown to be insufficient, unreliable, and contradictory.

In the second place, the Affirmative contend that the Congo State will not institute the necessary reforms, as history demonstrates. But we showed that the king proved himself sincere by the appointment of a commission whose report was characterized even by the anti-Congoites as an "honest judgment." We proved that the reforms proposed are ample and comprehensive; and that the new commission includes the men who are best qualified to institute the reforms, and furthermore that Leopold's reform method is an exact counterpart of the French

method against which our opponents make no complaint. The Congo government, then, gives reasonable assurance of reform.

In the third place, the Affirmative tried to show that we are warranted in interfering, because the Congo has violated international obligations, and because we have been instrumental in forming the Congo Free State. But we proved that the Free State has not violated any international obligation concerning trade or the natives, and that the United States, having positively refused to sign the Berlin Act, has, in the words of her Minister to that conference, John A. Kasson, and in the judgment of her Secretary of State, Mr. Root, positively refused to accept the right to interfere. So we are not warranted in interfering.

Fourth, our opponents have maintained that we can legally interfere because of international law, as interpreted by several good authorities. But we showed you that both the principle of international law as defined by Wharton, Hall, and Lawrence, and its consistent practice by this government renders the legality of our intervention at least doubtful.

Finally, the Negative has proved such action inexpedient, because utterly opposed to the avowed policy of this country, because it would retard domestic reforms and injure our position as protector in the New World.

To sum up: We maintain that their plan is at present indefensible, because their evidence is insufficient, second-hand, and contradictory, because the Congo government gives assurance of the necessary reforms, because we have no special responsibility whatever and no legal right to interfere, and because it would be inexpedient. We should, therefore, confine our energies to the western half of the world, whose guardian we are, and whose extensive interests we have for a hundred years advanced and protected.

THIRD REBUTTAL SPEECH FOR THE AFFIRMATIVE

Our opponents still persist in doubting that terrible atrocities are being perpetrated in the Congo. We have proved their existence by citations from the king's commission of inquiry. That commission investigated conditions during four

months' stay right in the very Congo. Any evidence from them is first class. This evidence bears out our statements, and proves conclusively that atrocities existing in the Congo warrant interference on the part of the United States. And furthermore, the very fact that such men as G. Stanley Hall and the Governor of Massachusetts have so closely affiliated themselves with the movement for reform, is sufficient proof of these cruelties. They certainly would not compromise themselves by lending their influence to a movement founded on mere hearsay.

Our opponents further argue that Leopold will make all necessary reforms of his own free will, and that, therefore, there is no reason for United States interference. But we maintain that if Leopold had any desire to do so, he would have done so long ago. He has had the commission's report for over a year, and during that time he has done nothing to relieve the natives. The atrocities exist up to the very present time, as recent reports show. Yes, he did appoint a commission to carry out reforms in 1896. During the two years of its existence, only three out of the six members met, only on two occasions, and then only for half a day. He reconvened the committee in 1901, and from 1901 to 1903 the committee never met at all. That is how Leopold's commission carries out its work. Judging from all acts of his, the only way we can judge, we must conclude that Leopold will not reform the Congo of his own free will.

Our opponents have given the Monroe Doctrine a decidedly wrong interpretation. The United States never said it would keep out of any part of the world, whenever it had an interest there, humanitarian or otherwise. Consider our policy toward Asia. In 1854 the United States forced Japan to open its doors for trade purposes, a direct interference in its internal affairs. In 1892 the United States was party to a treaty with Germany and England which provided for the internal administration of the Samoan Islands. In 1898 the United States acquired the Philippines. In 1901 Secretary of State John Hay sent forth his famous "open door" policy concerning China, and took the lead in preventing its partition. Does this look like keeping out of world affairs? The

United States has not even kept out of Europe, for, in 1901, Secretary of State Hay sent a note to the powers concerning the massacre of the Jews in Roumania, and in 1903 he sent a similar note to Russia, but unfortunately it was not received. Does this look like keeping out of the internal administration of foreign governments?

Turning to Africa, we find that in 1884 the United States first recognized and acted as the moral guide of the Congo Free State. In 1885 it took the most active part in the Berlin Conference. In 1890 it took part in the Brussels Conference and signed the treaty, and in 1906 we find the United States deciding the dispute between nations at Algeciras. Again, I ask you, does this look like keeping out of world politics? We have given you the acts of the United States. Our opponents have given you words, but actions speak louder than words. These facts, then, conclusively prove that the Monroe Doctrine cannot prevent the United States from instituting this movement for reform, because, as Secretary of State Frelinghuysen said in 1885, it does not apply to Africa, as far as our humanitarian interests there are concerned.

Our opponents further say that we have no treaty right to interfere. But I tell you that we need no treaty rights when humanity is involved. I ask you if President Roosevelt needed any treaty right to interfere between Russia and Japan and stop the bloodiest war in history. I ask you if the United States needed any treaty rights to make war in Cuba and free the people from bondage and oppression. I ask you if John Hay, the greatest diplomat the United States has ever had, needed any treaty right to interfere in behalf of the Roumanian Jews for strictly humanitarian purposes. He showed the true policy of the United States when he officially declared, "The United States can never be a tacit party to such an international wrong." And finally, I ask you if John Hay needed any treaty rights to interfere in behalf of the Russian Jews. These are instances where the United States interfered for humanitarian purposes without treaty rights; and if it interfered in these cases, where it has no responsibility and interest, why should it not take action in the Congo, where, as we have proved, it has an immense responsibility and interest?

We do not want the United States to make war in the Congo. Far from it. We do not intend that the United States should be held responsible for securing the success of the movement. All the question asks for, and all we urge, is that the United States should take some action, which shall have a reasonable prospect of ending successfully. And in the light of our responsibility, such action is obligatory. As John Hay said, "The United States can never be a tacit party to such an international wrong."

APPENDIX IX

INSTRUCTIONS TO JUDGES

(THE following instructions to judges of debates have been widely used. The custom is growing, however, of instructing the judges to hand their votes to the presiding officer, without discussion. Furthermore, as suggested in the last paragraph of the thirteenth chapter, section (1) of these instructions does not relate to ideal conditions.)

As you have kindly consented to act as one of the judges in the Debate between

both sides submit for your consideration (1) the following statement of facts and (2) the following instructions as to the basis on which we desire that your decision shall be rendered.

(1) As one college has the choice of the question and the other college has the choice of sides, the side which either team defends need not represent the trend of opinion of the college or the opinion of the speakers.

(2) The two institutions are agreed on the general principle that *the award should not be made on the merits of the question but on the merits of the debate*; that is to say, consideration as to what may seem to a judge the intrinsic merit of either side of a question should not enter into or determine the award; but the award ought to be made to that college team which evinces greater argumentative ability and better form as speakers.

It is further agreed that in determining argumentative ability the judges should take into consideration thorough knowledge of the subject, power of analysis and structure, logical sequence, skill in selecting and presenting evidence, and effectiveness in rebuttal; and that, in considering the form of the speakers as distinguished from their arguments, the judges should regard bearing, quality of the voice, pronunciation, enunciation, ease and appropriateness of gesture, and direct-

ness, variety, and emphasis in delivery. *It is agreed that matter is more important than form*; and that should one team excel in matter, and the other to an equal degree in form, the award should go to the former.

Finally, the suggestion is offered to the judges that on withdrawing after the debate to make their decision, they cast a written ballot (before consultation), in order thereby to obtain a working basis from which the final decision may be reached. Should there be doubt in the mind of any judge as to the purport and intent of these suggestions, the judges may meet just before the debate with a representative of each college to resolve any such doubt.

APPENDIX X

ROUND-ROBIN DEBATING LEAGUE

SPECIMEN ARTICLES OF AGREEMENT

THE Debate Committee of the University of Pennsylvania, the Debating Union of Columbia University, and the Debate Council of Cornell University do hereby agree to form a triangular Intercollegiate Debating League, to hold debates in 1907-08, 1908-09, and 1909-10, under the following conditions: —

I. The executive committee of the league shall consist of three members, one representing each university in the league, and shall have charge of all matters pertaining to the league, subject to the provision herein contained. The officers of the league shall be a president, vice-president, and secretary, whose duties shall be those usually pertaining to those offices. They shall be chosen by the committee from its membership. The committee shall meet at least once a year, on the Saturday next following the Friday of the annual debate. The debate shall be held on the following dates: February 28, 1908; February 26, 1909, and February 25, 1910. These dates shall be changed only by unanimous agreement.

II. The league shall hold three intercollegiate debates annually, under the following plan: All three debates shall be held on the same evening and upon the same question, each university being represented by a team maintaining the affirmative and a team maintaining the negative. At each debate, the negative of the question shall be upheld by the visiting team. The schedule of debates shall be as follows: —

	1907-08	
	Affirmative	Negative
At New York	Columbia	Cornell
At Philadelphia	Pennsylvania	Columbia
At Ithaca	Cornell	Pennsylvania

1908-09

	Affirmative	Negative
At New York	Columbia	Pennsylvania
At Philadelphia	Pennsylvania	Cornell
At Ithaca	Cornell	Columbia

1909-10

(Same as for 1907-08.)

III. The question for debate shall be selected in the following manner: On or before November 1 of each year, each university shall submit to the secretary of the league, in sealed envelopes, two formulated questions for debate. The secretary shall immediately notify the secretary of the debate committees of each university. On December 1 each university shall submit to the secretary of the league its order of preference or choice as to three of the questions suggested. In determining which question has been chosen, first choice shall count three points, second choice two points, and third choice one point. The question thus receiving the greatest total number of points shall be deemed to have been chosen. In the event of a deadlock, the universities shall take another ballot, to decide between the two questions highest on the list. The secretary shall in all cases promptly notify the three universities of the result of the balloting.

IV. The university under whose auspices each debate is held shall have charge of all local arrangements, and shall assume all financial obligations thereof, excepting all the expenses of the visiting delegation.

V. Each university shall select for each team three representatives and an alternate from its student body, but no one shall be chosen who is not a *bona fide* student and a candidate for a degree, and no member of the Graduate School shall be chosen who receives any stipend. This rule shall not be interpreted as applying to Columbia Law School.

VI. Each debater shall be allowed two speeches, one of ten (10) minutes' duration, the other of five (5) minutes'. The first series of speeches shall be opened by the Affirmative, and shall alternate between the Affirmative and Negative

speakers. The second series shall be in the same order as the first, so far as the sides of the debate are concerned, but either side may, if it chooses, vary the order of its speakers. There shall be an intermission of five minutes between the direct and the rebuttal speeches.

VII. The contest shall be judged and decided by three judges who shall be disinterested persons, not holding a degree from either institution or connected therewith in any relation, and chosen in the following manner:—

At least two months before the debates, the visiting university shall nominate to the university holding the debate, thirty-five persons to act as judges, of whom the latter university shall secure any three to act. The university holding the debate shall always be privileged to reject any nominee without assigning any cause, and immediately upon rejecting any names on the list shall notify the other university of the persons thus rejected. The visiting university shall thereupon at once forward the same number of new names. The university holding the debate may at any time reject any names on the list, the visiting university filling the number up to thirty-five. This process shall be continued until three judges are secured.

VIII. The award shall be made on the merits of the argument as presented in the debate, and not upon the merits of the question. (The foregoing sentence shall be printed on the programme for each debate.)

The decision shall be announced by one of the judges.

APPENDIX XI

A LIST OF PROPOSITIONS

POLITICAL

1. The term of office of the President of the United States should be six years.

2. The powers of the Speaker of the House of Representatives should be curtailed.

3. National party lines should be ignored in municipal elections.

4. United States Senators should be elected by popular vote.

5. Ex-Presidents of the United States should be Senators-at-large for life.

6. A voter can serve his country better as a consistent supporter of one party than as an independent voter.

7. The United States should construct its warships.

8. The standing committees of the House of Representatives of the United States should be elected by the House rather than chosen by the Speaker.

9. There should be an educational test as a qualification for voting.

10. The United States should permanently retain the Philippines.

11. Organized labor should keep out of politics.

12. The white citizens of the Southern States are justified in using all peaceable means to secure political supremacy.

13. The legislative referendum should be introduced by our state governments.

14. Members of state legislatures should be forbidden by law to accept free passes on any railroads.

15. Corporate contributions to political campaign funds should be prohibited by Federal legislation.

16. A Republican victory in the next presidential election would be for the best interests of the United States.

17. The direct nomination for office by vote of the party is superior to the system of caucus and convention.

18. The President should be allowed to veto items in appropriation bills.

19. The United States should favor a formal defensive alliance with Great Britain.

20. A system of compulsory voting should be adopted in the United States.

21. The "electoral college" should be abolished and the President elected by the direct vote of the people.

22. Judges should be elected by popular vote.

23. Less than the whole number of a jury should be competent to render a verdict in all jury trials.

24. The provisions of Section 2 of Article XIV of the Amendments to the Constitution of the United States should be enforced.

25. The number of representatives to Congress should be reduced.

26. The Constitution of the United States should be so amended as to provide for the election of Senators by direct vote of the people when the state legislatures fail to elect.

27. The Federal government should buy and operate the telegraph systems.

28. An amendment to the Constitution of the United States providing for a change in the method of treaty making is desirable.

29. The Fifteenth Amendment should be repealed.

30. Aside from the question of amending the Constitution, it is desirable that the regulating power of Congress be extended over all corporations doing an interstate business.

31. We should at once announce our purpose to deal with the Filipinos as we deal with the Cubans.

32. An amendment of the Constitution should be adopted convening the first session of Congress within a few months after the election and compelling the second session to adjourn several days before the following election.

33. Corporations should be required to take out a Federal license before engaging in interstate commerce.

34. Representatives to Congress should be chosen by a system of proportional representation.

35. The present distribution of power between the Federal and State governments calls for readjustment in the direction of further centralization.

36. The annexation of the Island of San Domingo to the United States would be for the interests of the United States.

37. Men and women should have equal suffrage.

38. The Indian Agency system has been a disgrace to the Federal government.

39. The United States should hold territory permanently only with the purpose that it shall ultimately enjoy statehood.

40. The system of voting by mail in local, state, and national elections (as proposed by Dr. Edward Stanwood in the *Atlantic Monthly*, vol. lxxxvi, pp. 568-573) should be adopted in the United States.

41. The powers of the Interstate Commerce Commission should be enlarged.

42. Mr. ——— rather than Mr. ——— should be the next President of the United States.

43. The changes in the constitutions of Southern States, since 1889, by which the negro vote in such states has been restricted are, on the whole, to be commended.

44. Postmasters should be elected by popular vote.

45. Political parties are a necessity to free government.

46. Municipalities in the United States of over 25,000 inhabitants should own and operate their systems for lighting and local transportation.

47. The Swiss Referendum could be advantageously applied to the United States.

48. The annexation of Cuba to the United States would be for the best interests of Cuba.

49. Granting the willingness of Cuba, the annexation of Cuba to the United States would be for the interests of the United States.

50. The present laws relating to Chinese immigration should be amended to include the Japanese.

51. It would be to the advantage of the United States to annex Canada.

52. The United States should have exclusive jurisdiction over Behring Sea.

53. The United States should make no discrimination between the immigrants from China and those from other countries.

54. The appointment of consuls should come under the Civil Service.

55. The United States should adopt a system of responsible Cabinet government.

56. Members of the legislature should be chosen by a system of proportional representation.

57. An act should be passed specifically providing for the naturalization of Japanese who come here intending to become American citizens.

58. The present administration is spending too much money on the navy.

59. Porto Rico should be given a territorial form of government.

60. The Senate of the United States should adopt a closure rule.

61. Congress should be given power, by constitutional amendment, to legislate directly concerning commerce and manufactures within the several states.

62. The "Galveston Plan" of city government by a board of directors insures increase of efficiency combined with decrease of corruption in city affairs.

63. Full citizenship in the United States, with representation in Congress, should be granted to the people of Porto Rico.

64. Lobbying in Congress and in state legislatures should be confined to licensed lobbyists.

65. The President of the United States is justified in calling out the militia to quell labor troubles and other local disturbances, without the consent or request of state authorities.

66. The courts should be forbidden by law to issue sweeping or "blanket" injunctions in labor disputes.

67. In the United States the jury system is not the best means of serving the ends of justice.

68. Public advocacy of violent means for the subversion of government should be suppressed by law in the United States.

69. The United States Senate should seat any man appointed by the Governor of a state, when the legislature adjourns without filling the vacancy.

70. The constitutional guarantees and restrictions should apply to all territory which may be permanently controlled by the United States.

71. The Constitution should be so amended as to make the passing of amendments easier.

ECONOMIC

72. Raw materials should be admitted to the United States free of duty.

73. Sugar should be admitted to the United States free of duty.

74. Foreign-built ships should be admitted to American registry free of duty.

75. A high tariff raises wages.

76. The amount of property transferable by inheritance should be limited by statute.

77. Foreign-built ships, owned wholly by Americans, should be admitted to American registry free of duty.

78. National banks should be allowed to issue credit currency to the extent of twenty-five per cent of their paid-up and unimpaired capital.

79. Free Trade should be established between the United States and the Philippines.

80. The present tariff on the raw materials and rough products of iron and steel, such as iron bar, pig iron, rails, and steel ingots, is justified on the ground of the protection of American industry against foreign competition.

81. Physical valuation of the property of a corporation is the best basis for fixing rates.

82. The United States government should proceed at once to the extensive improvement of the inland waterways of the country.

83. The right to relieve financial stringency by temporary deposit of United States Treasury funds in selected banks should be denied the officers of the government.

84. State boards of arbitration, similar to the Massachusetts board, should be maintained in all the states for the purpose of settling labor disputes.

85. The boycott is a proper policy for organized labor.

86. Members of trades-unions are justified in refusing to work with non-union men.

87. The history of trades-unions for the past twenty years shows a tendency detrimental to the best interests of the country.

88. Department stores have proved a benefit to municipal communities.

89. The coal mines of the United States should be under Federal control.

90. A system of compulsory arbitration of strikes should be established in the United States.

91. The United States should adopt a system of compulsory arbitration similar to that of New Zealand.

92. Labor-saving machinery has been injurious to the laboring classes.

93. Products of prison labor should not be allowed to compete in the open market.

94. The principle of the "closed shop" is justifiable.

95. There should be a national board of arbitration, with compulsory powers, for settling disagreements between interstate railroads and their employees.

96. The best interests of the laboring classes would be advanced by the development of a separate labor party.

97. Labor unions are on the whole prejudicial to the best interests of the workingman.

98. Employers are justified in refusing to make agreements in regard to wages and conditions of employment with labor unions of which a majority of their employees are members.

99. The powers of the National Bureau of Corporations should be extended to cover interstate transactions in insurance.

100. The movement of the labor unions for the "closed shop" deserves the support of public opinion.

101. Each state should pass a law requiring every corporation created by its charter to allow any stockholder to have access at all reasonable times to the names and addresses of all the stockholders.

102. American cities should seek the solution of the street railway problem through public ownership and operation.

103. The State and Federal governments should provide the machinery for the compulsory investigation of controversies between employers and employees.

104. All goods, the price of which is controlled by a single capitalist or combination of capitalists, should be admitted free of duty.

105. Laws should be enacted providing that in case of personal injury to a workman arising out of, and in course of employment, his employer shall be liable for adequate compensation, and shall not set up contributory negligence or negligence of a fellow servant as a defense.

106. It is economically disadvantageous for the United States to own territory in the tropics.

107. (Waiving the question of constitutionality), an income tax should be a part of our Federal system of taxation.

108. A personal property tax cannot be administered with fairness.

109. The single tax, as advocated by Henry George, is practicable.

110. The Federal government should adopt a progressive inheritance tax, constitutionality conceded.

111. The principle of the income tax is just.

112. The best interests of the United States require the discontinuance of the protective policy.

113. Tariff should be imposed for revenue only.

114. The tariff on steel should be substantially lowered.

115. The Federal government should own and operate the railroads within its borders.

116. The Geary exclusion law should be reenacted.

117. Commercial reciprocity between the United States and Canada would be for the best interests of the United States.

118. The United States should subsidize the American Merchant Marine.

119. Laws should be passed compelling the management of a business undertaking which secures control of an industry to sell its product at reasonable rates without discrimination.

120. Commercial reciprocity between the United States and South America would benefit the United States.

121. A double monetary standard in the United States would be superior to a single standard.

122. The national debt should be paid as rapidly as possible.

123. Railroad pooling should be sanctioned by law.

124. The United States should replace the system of a bond secured note issue for the national banks by an asset currency.

125. A merger like the Northern Securities Company is economically for the best interests of the public.

126. The tax on the issues of state banks should be repealed.

EDUCATIONAL

127. No sectarian institutions should receive state aid.

128. No state should appropriate public funds to support educational institutions in competition with those adequately provided by private enterprise.

129. A university should be established in each state for the sole purpose of examining all candidates and conferring all degrees within the state.

130. All professional schools should require for admission at least two years of college work.

131. Apart from the question of expense, the small college is preferable to the large college for a man of average ability.

132. For the United States the type of the English university is preferable to the type of the American university.

133. Admission to American colleges should be by examination only.

134. The best interests of American colleges demand the adoption of the honor system in examinations.

135. The work of the editor-in-chief of a college paper should count as one course toward his degree.

136. The course of study at R—— College should be wholly elective.

137. The college course leading to the degree of Bachelor of Arts should be three years.

138. Coeducation in higher institutions of learning is preferable to the segregation of the sexes.

139. Students in college courses who attain a rank of ninety per cent or higher in their daily work should be excused from examinations.

140. No student in his first year at college should be allowed to represent the college in intercollegiate athletic contests.

141. Intercollegiate football should be abolished.

142. The fraternity system is detrimental to the best interests of R—— College.

143. Superintendents of city schools should be elected for six-year terms.

144. No city school board should have more than seven members.

145. The school board of a city should be appointed by the Mayor.

146. Religion should be taught in the public schools of New York.

147. Cities should furnish free text-books to all pupils.

148. No prizes should be offered in public schools.

149. Secret societies in public high schools should be prohibited.

150. The state should prescribe uniform text-books for the public schools.

151. The greater part of the studies in secondary schools should be elective.

152. A college graduate is more likely to succeed in business than a man of equal natural ability who enters business upon graduating from the high school.

153. The recommendations of the Simplified Spelling Board should be adopted by the American people.

154. The education of negroes in America should be industrial rather than liberal.

155. San Francisco was justified in excluding the Japanese from the public schools.

156. College entrance requirements are excessive.

157. A readjustment of values of the several subjects among the college entrance requirements is desirable.

158. Military drill should be compulsory in public high schools.

SOCIAL

159. The clauses in the Alabama Constitution of 1901 looking to restriction of franchise are justifiable.

160. The Fifteenth Amendment to the Federal Constitution has been justified by subsequent history.

161. The canteen should be restored to the United States Army.

162. The growth of large fortunes should be checked by a graduated income tax.

163. The State of ——— should adopt the Carolina Dispensary System for controlling the use and sale of intoxicating liquors.

164. There should be a state censorship of the stage.

165. There should be national legislation making uniform the marriage and divorce laws of the states.

166. The United States government should grant old age pensions.

167. The growth of trusts tends toward socialism.

168. The policy of the United States in extending the franchise to the negro was ill-advised.

169. The aims and principles of Socialism embody the only remedy for the present evils of the trusts.

170. The tendency of population to concentrate in the cities of the United States is detrimental to the best interests of the people.

171. For the State of ——— high license is preferable to Prohibition.

172. Children under fourteen years of age should be prohibited by state law from working in factories.

173. The wages of men and women should be the same for the same work performed.

174. The German system of compulsory insurance should be adopted in the United States.

175. Free public employment bureaus should be established by each state.

176. The elimination of private profits offers the best solution of the liquor problem.

177. Social functions which involve lavish expense are unjustifiable.

178. Colonization is the best method of charity for the poor of large cities.

179. Prohibition is more conducive to temperance than high license.

180. The punitive clause of the Fourteenth Amendment should be enforced.

181. Life imprisonment, with restricted power of pardon on the part of the Executive, should be substituted for capital punishment in —.

182. The Chinese should be excluded from the Philippines.

183. A constitutional amendment should be passed giving Congress exclusive control over marriage and divorce.

184. A system of compulsory "industrial insurance" should be adopted in —.

185. The State of — should adopt the "Norwegian system" of dispensing liquor.

186. The Federal government should establish a Federal department of health in charge of a new Cabinet officer.

187. Further restriction of immigration is desirable.

188. State prohibition has failed to benefit the people of Kansas.

189. The State of Maine should resubmit the Prohibitory Amendment to the people.

FOREIGN AND INTERNATIONAL

190. Armed intervention on the part of any nation to collect, on behalf of private individuals, financial claims against any South American nation is not justifiable.

191. Nations should agree that they will not intervene in the affairs of other countries for the forcible collections of public debts due to their citizens. [It is understood that this rule

should not apply to debts in existence at the time of the adoption of the agreement.]

192. The inter-oceanic canal should be subject to the exclusive military and political control of the United States.

193. A nation advanced in civilization is justified in the interests of the world in enforcing its authority upon an inferior people.

194. The United States should use every diplomatic means to maintain the integrity of China.

195. A formal alliance between Great Britain and the United States, for the protection and advancement of their common interests, would be expedient.

196. It is for the best interests of the United States that the Panama Canal zone should be neutralized by joint agreement of the powers.

197. The interests of nations would be best served by maintaining the integrity of China.

198. The foreign policy of the United States has impaired the efficiency of the Monroe Doctrine.

199. The armament of European powers, beyond what is necessary to maintain domestic peace, is undesirable.

200. The policy of Great Britain in Africa is justifiable.

201. A Franco-Russian alliance, offensive and defensive, would be for the best interests of France.

202. The United States should combine with the great powers of Europe to bring about reforms in the Congo Independent State.

203. Home rule should be granted to Ireland.

MISCELLANEOUS

204. The execution of Charles I of England was justifiable.

205. The life imprisonment of Napoleon on the Island of St. Helena was justifiable.

206. The execution of John Brown was justifiable.

207. Vivisection, involving pain, should be prohibited by law.

208. The United States should maintain a larger navy.

209. Arctic explorations have been justified by results.

210. The Fifteenth Amendment should be repealed.

211. There should be national supervision of life-insurance companies.

212. The national government should coöperate with the states in the permanent improvement of the public highways, according to the plan proposed in House Bill, 15,369.

213. The Standing Army of the United States should be increased.

214. The United States government should establish a parcels post.

215. Women should be allowed to vote in school elections.

216. Letter postage should be reduced to one cent.

217. The United States government should contribute funds for the exploration of the polar regions.

218. The United States should adopt a system of Postal Savings Banks.

219. Every male citizen in the United States should be compelled to serve at least two years in the militia.

220. The American Board of Foreign Missions is justified in accepting financial aid from Mr. Rockefeller.

221. Hypnotic entertainments should be prohibited by state law.

222. All church property should be taxed.

223. Any person who advocates putting to death, by legal sanction or otherwise, persons afflicted with an incurable disease should be punished for felony.

224. National expositions are a benefit to the country.

225. A representative should vote according to the wishes of his constituency.

226. England's course in the Boer War has been justified by the results attained.

227. The opponents of autocracy in Russia are justified in the use of violence.

228. The veto power of the House of Lords should be annulled.

229. The signatory powers at the Brussels Conference should deprive King Leopold of all authority in the Congo Independent State.

230. Legislation should be adopted for the purpose of giving greater security to wills and bequests.

231. Life imprisonment, with a restricted power of pardon on the part of the Governor, is preferable to capital punishment.

232. Permanent copyright should be granted by the United States government.

233. The best way for a nation to promote peace is to be constantly prepared for war.

234. The dramatization of novels is detrimental to the dramatic art.

235. The historical novel hinders the accurate conception of history.

236. Federal laws and licenses should govern automobiling.

237. Congress should require all railroads subject to its jurisdiction to adopt a block signal system.

FIRST PRACTICE

238. Written term examinations should be abolished.

239. Manual training should be included in high school courses.

240. Government seed distribution should be continued.

241. The execution of Major André was justifiable.

242. The reading of the Bible in public schools should be prohibited.

243. College property should be taxed.

244. The College Department of the University of ——— should be thrown open to women.

245. Fraternities are desirable in colleges.

246. The "honor system" should be adopted for all examinations in ——— College.

247. State laws prohibiting secular employment on Sunday should be repealed.

248. A third party has at present no place in American politics.

249. The class rushes at the beginning of the college year should be discontinued.

250. Any *bona fide* college student under 21 years of age, and having completed one year's work in good standing, should be allowed to represent in athletics the institution at which such work has been done, regardless of any compensation he may previously have received for his athletic ability.

251. The members of this class should support the Republican ticket in the next city election.

252. The members of this class should support the Republican state ticket.

253. Public libraries, museums, and art galleries should be open on Sunday.

254. The city of — should make a larger appropriation for the maintenance of the public high school.

255. A college commons should be established at — College.

256. Chapel attendance at — College should be compulsory.

257. It would be for the interests of — College to hold a dual track meet with — College.

258. College dormitories should be in charge of undergraduate proctors.

259. In high school graduation exercises there should be no speaking by members of the class.

260. Public libraries should forbid the circulation of novels until two years after publication.

261. The State of — should establish a trade school for the blind.

262. Gymnasium work in — should be compulsory.

263. The State of — should appropriate the sum of — for the extermination of the gypsy moth.

264. The capital of the State of — should be removed to —.

265. The students of — should have self-government. ✓

266. The tuition in — should be changed to —.

267. The rules of the game of football should be radically revised.

268. The Carnegie Foundation for the Advancement of Learning should admit state normal schools to the pension privileges.

269. Lincoln's plan of reconstruction was superior to the Congressional plan.

270. Ex-Presidents of the United States should receive a salary equal to one half the salary of the President.

271. The National Capital should be removed to a more central location.

272. Indians should no longer be treated as wards of the government.

273. The cause of higher education in the State of ——— would be better served by fewer colleges.

274. There should be a reform in our pension system.

275. The Rhodes scholarships for the United States will accomplish the objects of the founder.

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